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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6174/2017 & CM No. 30290/2017, 33625/2017**

AMIT BROTHERS

..... Petitioner

Through: Mr Ankit Gupta, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Manish Mohan, CGSC with Ms
Shivangi Sinha, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.11.2017

W.P.(C) 6174/2017 & CM APPL. 42390/2017

1. The petitioner has filed the present petition against denial of his request to participate in tenders floated by the respondents. The petitioner is not being permitted to participate in tenders as the contract awarded to the petitioner earlier was not completed. The petitioner had furnished his explanation for not completing the works awarded earlier. The said contract had also been foreclosed at the risk and cost of the petitioner and the remaining works were awarded to the contractor.

2. This Court is not called upon to examine the merits of the explanation provided by the petitioner for not completing the works awarded earlier. The said works have been awarded to another contractor at the petitioner's risk and cost and the amount payable by the petitioner to the respondents is a subject matter of dispute before an arbitral tribunal.

3. Admittedly, the petitioner had furnished a Fixed Deposit Receipt for a sum of ₹17,00,000/- out of a total sum of ₹24,15,454.58/- claimed by the respondents. In its counter affidavit, the respondents have stated that if the petitioner deposits the balance amount (by way of a FDR), there would be no impediment in permitting the petitioner to participate in future tenders. The aforesaid decision was taken on 05.12.2015 pursuant to the petitioner's request to permit the petitioner to participate in future tenders.

4. Taking cue from the counter affidavit, the petitioner has today handed over a Fixed Deposit Receipt of Allahabad Bank bearing no. 801361/ Account No. 50418607963 for a sum of ₹7,15,500/- to the learned counsel for the respondents. This is without prejudice to all the rights and contentions of the parties.

5. In view of the above, the petitioner's grievance regarding denial to participate in future invitations to tender does not survive. The petition and all pending applications are, accordingly, disposed of by directing that the petitioner would be permitted to participate in future tenders. It is clarified that all rights and contentions of the parties, particularly with respect to the subject matter of the pending arbitral proceedings, are left open.

6. Order *dasti* under signatures of Court Master.

VIBHU BAKHRU, J

NOVEMBER 22, 2017
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