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IN THE HIGH COURT OF DELHI AT NEW DELHI

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**W.P.(C) 11753/2016 & CM Nos.46277/2016, 7071/2017, 32387/2017
SAI PARKING SPACE SERVICES PRIVATE LIMITED**

..... Petitioner

Through Mr. B.L. Wali, Advocate.

versus

EAST DELHI MUNICIPAL CORPORATION Respondent

Through Ms. Mini Pushkarna with Ms.
Anushruti and Ms. Vasundhrara
Nayyar, Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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23.10.2017

1. The petitioner is aggrieved by the non-consideration of its bids, for allotment to manage the Trilokpuri Sports Complex of the East Delhi Municipal Corporation in PPP Mode.

2. The respondent in their counter-affidavit, filed after notice was issued, contended that all the five eligibility criteria, spelt out as essential, the petitioner did not fulfil four. This position is controverted by the petitioner.

3. During the pendency of the proceedings, apparently, the subject tender was cancelled on 12.09.2016 – evident from the counter affidavit. Subsequently, the facility was retendered.

4. Although, the petitioner, apparently, sought for interim orders

to restrain this process, no substantive challenge by way of fresh petition was made. The petitioner complained, on this score, that the fresh eligibility criteria completely ruled out its participation.

5. During the course of hearing, the EDMC clarified that the process of finalization of the contract, pursuant to the fresh tender dated 17.05.2017 - in which the petitioner did not (or could not) participate, has been finalized and that steps towards the award of contract are ongoing.

6. In these circumstances, the Court is of the opinion that the claims in these proceedings have been rendered infructuous.

7. During the hearing, Mr. Wali has stated that the petitioner's earnest money deposit is still lying with the EDMC. If so, the EDMC shall take a decision and appropriate steps in that regard within two weeks.

8. The writ petition is disposed of in the above terms.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

OCTOBER 23, 2017
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