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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7384/2017, C.M. APPL.30482-30483/2017**
M/S MI2C SECURITY & FACILITIES PVT LTD Petitioner
Through : Sh. Sudhir Nandrajog, Sr. Advocate
with Sh. Rajesh Gogna, Advocate.

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS
..... Respondents

Through : Appearance not given.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE R.K. GAUBA

% **ORDER**
28.08.2017

The petition seeks a direction that the opinion expressed by the Additional Commissioner which may ultimately lead to the cancellation of the tender, eliciting response for provision of security services should be interfered with.

It is contended that the tender conditions, especially 8.3.1 and 8.3.3 cannot *per se* be characterized as vague, or not seeking appropriate response, given that in all essential bids, details such as payment of minimum wages, contributions to be made to the statutory payments such as EPF/ESI minimum wages/bonus etc – i.e. the provisions of law, have to be adhered to and that in the past too, the details of these payments have not been taken into account for the purpose of tender evaluation. It is submitted that the only relevant

issue for tender evaluation would be the administrative charges and other payments which the bidder would seek to charge from the public agency towards provision of services and that the concerned municipality could even otherwise obtain a declaration/indicating that the payment charges and other dues would be complied with, including the responsibility of paying revised rates.

This Court sees some merit in the submission since every bidder is mandatorily required to provide undertakings and the point of comparison would be reduced only to the rates of administrative and other charges, to be borne by the municipal corporation. At the same time, the Court notices that it would not be appropriate to interfere with the decision-making process since no final decision has been made. Instead, the Court would require the concerned authority, i.e. the Commissioner to look into the entire matter to decide whether at all in the circumstances to proceed to accept the recommendation for cancellation.

The writ petition is disposed of in these terms.

S. RAVINDRA BHAT, J

R.K. GAUBA, J

AUGUST 28, 2017/AJK

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