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

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Judgment delivered on: 27.11.2017

+ **W.P.(C) 8420/2017**

M/S. KADAK FAMILY TEA PVT. LTD. Petitioner

Through : Mr S.D.Singh and Mr Rahul
Kumar Singh, Advocates.

versus

UNION OF INDIA AND ORS. Respondents

Through : Mr Anurag Ahluwalia, Mr Sumit
Rajput and Mr Abhishek Talwar,
Advocates for R-1 to 4.

CORAM:-

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

S. RAVINDRA BHAT, J. (OPEN COURT)

W.P.(C) 8420/2017 & CM No.34681/2017(stay)

1. This Court had , while issuing notice on 20.09.2017, issued the following directions:-

“.....The petitioner’s grievance in this case is that the respondents have not adhered to the provisions of The Micro, Small and Medium Enterprises Development Act, 2006 as well as policy framed under it, particularly Paragraphs No. 3, 6 & 11. It is contended that the tender/NIT issued for procurement of 2179 metric tons (MT) of tea, has been so designed as to exclude the participation of MSME altogether.

This Court is of the opinion that interference with the tender process may not subserve the larger public interest. However, the respondents are directed to set aside 20% of the quantity sought to be procured through an appropriate mechanism, while finalizing the bid policy to ensure wider

participation by petitioner and other eligible MSME, after satisfying the eligibility criteria/ conditions and other requirements.

List on 27th November, 2017.....”

2. Learned counsel for the respondents contends that the tender, which is the subject-matter of the present writ petition, has now been recalled/cancelled on 20.11.2017 and that recourse would be made to emergency procurement in accordance with the prevailing policy and guidelines. He also submits that the provisions of The Micro, Small and Medium Enterprises Development Act, 2006, requiring a portion of the tender to be set aside for a Micro, Small and Medium (MSM) Enterprise would be adhered to.

3. It is also stated that a re-tender was initiated (vide RFP No.62901/Q/3/RFP/2017-2018/TEA dated 23.11.2017) for procurement of 2179 MT TEA(CTC), Phase-II for Consumption Year 2017-2018. This procurement includes a provision for participation of MSME in the e-procurement process of APO.

4. In view of the above statement, the petition has been rendered infructuous; it is accordingly dismissed.

5. Order *Dasti*.

**S. RAVINDRA BHAT
(JUDGE)**

**SANJEEV SACHDEVA
(JUDGE)**

NOVEMBER 27, 2017/‘§n’