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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 799/2018 and CM APPL. 3451/2018**

RIDDHI INFRATEL Petitioner

Through: Mr Anand Verdhan, Advocate.

versus

BHARAT SANCHAR NIGAM LIMITED Respondent

Through: Mr Sameer Agrawal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **29.01.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a. Direct the Respondent to allow the Petitioner to participate in the tender No.CA/Ent.-Radio/ADSS Installation Accessories/T-607/2017 issued on 22.11.2017 and to look into technical bid.”

2. The respondent (hereafter ‘BSNL’) had floated a tender for procurement of ADSS Installation Accessories on 22.11.2017. In order to participate in the said tender, the petitioner was required to obtain QA.QF-103 certificate from the Quality Assurance Department of BSNL. The said certificate is to be issued after verifying the quality of the products in question, manufactured by the supplier.

3. Since the petitioner is stated to be a start up, the petitioner had not obtained the said quality certificate at the material time. Accordingly, the petitioner requested BSNL to extend the time of submission of the tender for further period of 30 days. The petitioner’s application was allowed and the time for submission of the tender was extended to 08.01.2018. It was once

again extended, thereafter, till 15.01.2018.

4. The petitioner sent another letter dated 13.01.2018 once again requesting that the time for submission of the tender be extended for a further period of 30 days. However, this request was not acceded to and BSNL opened the tender on 15.01.2018.

5. This Court is not persuaded to grant the relief as prayed for. BSNL cannot be directed to keep extending the time for submission of a tender for procurement of the products which it considers necessary for its purpose. It is also seen that the other bidders have also not been arrayed as parties to the present petition.

6. It is stated that only three bidders have participated in the tender. Thus, it may not be in the interest of BSNL to finalize the purchases based on limited participation pursuant to the invitation to tender. However, it is not apposite for this Court to consider this aspect and it is for BSNL to take such decision as it considers apposite. Needless to mention that BSNL always retains the discretion to reject the tenders if it is found that the prices offered are not competitive. The respondent shall consider the same before finalising the tender.

7. The petition is disposed of with the aforesaid observations. The application also stands disposed of.

VIBHU BAKHRU, J

JANUARY 29, 2018

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