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

+ **W.P.(C) 1821/2018**

SHARMA ASSOCIATES & ORS Petitioners
Through Mr.Amit Singh Chauhan, Advocate
with Mr.Pankaj Malik, Advocate.

versus

INDIAN OIL CORPORATION LTD Respondent
Through Mr.Vikram Mehta, Advocate with
Ms.Kanishka Shivhare, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.10.2018**

CM Appl.7507/2018 & 12620/2018

Allowed, subject to all just exceptions.

CM Appl.43980-81/2018

For the reasons stated in the applications and in the interest of justice, the delay in filing are condoned.

Applications are disposed of.

W.P.(C) 1821/2018 & CM Appl. 7506/2018

The petitioners seek direction that the respondent corporation (hereafter referred to as "IOCL") adhere to the terms of the tender dated 01st September, 2014 specifically clause 10 and induct only Tank Trucks ("TTs") owned by parties who have bid originally and/or owned by family members of the individuals/proprietor.

The material on record discloses that the writ petitioners had participated in the original bid and their TTs were all accepted by the IOCL. The IOCL, somewhere in the end of the tenure of the original 2014 tender, faced a shortfall of 566 vehicles, which were the subject matter of fresh bid.

The petitioners' complaint is that the original tender terms were not adhered to and third parties' vehicles were also sought to be attached. It relies upon a specific term and condition which states that only bidders in the original tender process would be permitted to participate and offer vehicles.

During the course of the proceedings, the IOCL filed three affidavits; it disputes the allegations of infraction of the tender amount. Besides it points out that the fresh bidding process for the regular tender of 2018-21 has been almost finalised. It also contends specifically that the petitioners' bids for State of Haryana and Uttar Pradesh have been finalised, and that the final position would be evident immediately after 31st October, 2018.

Having regard to all these circumstances, we find that the vehicles offered by the petitioners in the original bid were all accepted by IOCL and also having regard to the fact that original tender of 2014 has exhausted itself, this Court is of the opinion that the claim in these proceedings has been rendered infructuous.

The writ petition and the pending application are, therefore, disposed of.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

OCTOBER 22, 2018
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