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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2689/2018 & CM. No. 10979/2018

MESSRS. RASOI CANTEEN AND CATERERS Petitioner

Through: Mr. Joydeep Sarma, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION

AND ORS.

..... Respondents

Through: Mr. Sandeep Bajaj and
Mr. S. Qureshi, Advs. for SDMC
Mr. Aditya Kumar Singhal, Adv. for
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CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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11.05.2018

The present petition has been filed by the petitioner with the following prayers:

“In the premises stated above, it is, therefore, respectfully prayed, that this Hon’ble Court may be pleased to:-

- a) grant a writ of Certiorari or such other appropriate writ, order or direction to Respondent No.1 to produce their records pertaining to the grant & renewal of Health Trade Licence bearing No.HTLCN0 520546 to the Respondent No.3;*
- b) grant another writ of Mandamus or such other appropriate writ order or direction directing the Respondent no.1 to withdraw the illegal renewal of Health Trade Licence bearing No. HTLCN0520546 of the Respondent No.3 on February 5, 2018 with effect from March 25, 2017;*
- c) costs of this petition; and in that behalf*
- d) Pass such further orders and / or directions as this*

Hon'ble Court may deem fit, appropriate and proper in the facts and circumstances of the present case."

In substance, the grievance of the petitioner is against the action of the SDMC in renewing the Health Trade License of the respondent No.3 w.e.f. March 25, 2017 on February 05, 2018. Suffice to state, the petitioner had earlier filed a writ petition being W.P.(C) 56/2018 challenging the rejection of its technical bid by the Guru Nanak Eye Centre and considering the bid of the third parties even though, they do not comply the tender conditions. The Division Bench in the said writ petition had directed, as the tender has not been awarded, the respondents therein shall look into the same before proceeding to finalise the award of tender. The directions were to take into consideration the facts and details furnished by the petitioner in the two applications and its letter dated January 09, 2018 relating to the other rival bidders before finally awarding the tender.

Thereafter on the applications filed by the petitioner, the Division Bench in W.P. (C) 56/2018 directed the SDMC to give full particulars with respect to the license given to M/s Vertex Hospitality Company Private Limited respondent No.3 herein. The said direction was for the reason, it was the case of the petitioner that the M/s Vertex Hospitality Company

Private Limited did not have the eligibility.

When the applications were listed on March 12, 2018 the Court on the basis of the submission made by the counsel for the Govt. of NCT of Delhi, stated that the SDMC has renewed the Health Trade License of M/s Vertex Hospitality Company Private Limited w.e.f. March 25, 2017.

On such a submission, the Court had observed that in view of the clarification issued by the SDMC the matter stands concluded and directed that no further orders are required.

Today Mr. Joydeep Sarma, learned counsel for the petitioner has conceded that the application filed by the petitioner before the Division Bench being CM No.12326/2018 seeking clarification / liberty to the petitioner to proceed against the SDMC against the renewal of the Health Trade License of M/s Vertex Hospitality Company Private Limited on February 05, 2018 w.e.f. March 25, 2017 has been dismissed. If that be so, the renewal of license of M/s Vertex Hospitality Company Private Limited w.e.f. March 25, 2017 on February 05, 2018, which determines the eligibility of M/s Vertex Hospitality Company Private Limited for the tender, the present petition filed by the petitioner challenging the renewal of Health Trade License of the said company in these proceedings shall be

without any merit.

I do not see any reason to proceed with the writ petition. The same is dismissed.

CM No. 10979/2018 (for stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 11, 2018/aky