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

+ W.P.(C) 5217/2018, CM APPL 20217-20218/2018

M/S PARAMATMA TIE-UP PRIVATE LTD AND ANR.

..... Petitioners

Through Mr. Rajiv Nayar, Sr. Adv. with
Mr.Arunabh Chowdhury, Mr. Karma
Dorjee, Mr. Abhishek Roy and
Ms.Shruti Choudhary, Adv.

versus

DELHI METRO RAIL CORPORATION LTD Respondent

Through Ms. Vibha Mahajan Seth, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **28.05.2018**

This writ petition challenges the cancellation of a tender which invited bids on 28.08.2017. The NIT elicited bids for Consultancy Services Contracts in connection with refund taxes and duties against contracts of Signalling, track etc. of Delhi Rail Metro Rail Corporation (DMRC) Phase-III on account of various concessions provided by the Central Govt. Other directions too have been sought.

Appearing on advance notice, learned counsel for DMRC relied upon the Minutes of the Tender Committee Meeting of 22.02.2018 which noticed that the Japan International Cooperation Agency (JICA) which was associated with the procurement of supplies - evaluation etc. related to DMRC contracts since has been removed from the list of agencies of the Department of Economic Affairs for

the financial year 2015-2020. It also noticed that the claims for deemed export benefits could be made within two years from the date of deemed limit of two years or two years from the date of supply of goods. It was therefore decided that no useful purpose would be served with the proceedings with the existing NITs as the time limit for the claims was to end by 31.03.2018.

In view of the decision of the Tender Committee which is based on some rational, this court is of the opinion that the present challenge to the tender cancellation, does not call for interference. It goes without saying that if in future consultancy services of similar nature of such scale are sought to be resorted to, DMRC would ordinarily hire or engage consultants after some public tendering or transparent process.

The writ petition is disposed off in the above terms. All pending applications also stand disposed off.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MAY 28, 2018

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