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

+ W.P.(C) 6632/2018 & CM. No. 25290/2018

M/S SPACE 4 BUSINESS SOLUTIONS PVT LTD

& ANR

..... Petitioners

Through: Mr. Durgesh Gupta, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR Respondents

Through: Mr. Tarunvir Singh Khehar, SC with
Mr. Tushar Sannu, ASC for NDMC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **26.07.2018**

1. The present petition has been filed with the following prayers:-

“For meeting the ends of justice and in afore said circumstances, it is, respectfully prayed that this Hon’ble Court may be pleased to:-

i) Issue a Writ, Order or Direction quashing/setting aside order dated 01.06.2018 whereby the respondents debarred the petitioners for 3 events without any show cause notice and personal hearing and thus the order dated 01.06.2018 being illegal, unlawful arbitrary and without jurisdiction is liable to be set aside;

ii) Issue of Writ in the nature of Certiorari or any other writ, order or direction to respondents thereby directing the

respondents to consider the bids submitted by the petitioners on 08.06.2018 with the office of respondents, before the close of submission of bids and to include it in the process of award of tender alongwith other bidders and, if the same is not feasible for any reason, then;

iii) Issue of Writ in the nature of Certiorari or any other writ, order or direction for quashing / cancelling the Tender for World International Yoga Day, 2018, bearing Tender ID no. 18/EE(E)/BM-1/2018-19 & 2018_NDMC_152119_1 of Respondents being, unfair, arbitrary, whimsical and against the principals of award of tender and to direct the respondents to initiate the process of re-tender fairly and impartially;

iv) Issue of Writ in the nature of Certiorari or any other writ, order or direction to the respondents to frame Appropriate guidelines to bring uniformity and transparency in the process of E-tendering and evaluation and awarding of the bids, so that such illegal and arbitrary award and/or rejection of bids can be avoided.

v) Pass any other order which this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. On June 18, 2018, this Court had passed the following order:-

"Issue notice. Notice is accepted by Mr. Tarun Vir Singh Khehar on behalf of the respondents. He prays for and is granted two weeks time to file the reply. Rejoinder, if any,

be filed within two weeks thereafter. Learned counsel for the respondent submits that pursuant to the tendering process, the work has already been allotted to the third party. In view thereof, no interim relief can be granted at this stage in favour of the petitioner especially since the event has to take place on 21st June, 2018. However, this would not prejudice the petitioner in claiming further relief in the petition. At the request of learned counsels, list on 26th July, 2018 before the Roster Bench.”

3. Learned counsel for the petitioners seek to withdraw the writ petition with liberty to file a fresh petition, in accordance with law challenging the order dated June 01, 2018 and claim further relief in the nature of damages.
4. Noting the aforesaid submission, with liberty as prayed for in accordance with law, the petition and connected application are dismissed as withdrawn.

V. KAMESWAR RAO, J

JULY 26, 2018/ak