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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6649/2018 & CM No.25350/2018

ROSE ADVERTISING PVT LTD

..... Petitioner

Through : None.

versus

DELHI TRANSPORT CORPORATION & ORS.. Respondents

Through : Mr. S.K. Tripathi, Standing
Counsel for DTC along with
Mr. Mahesh Sharma, Asstt.
Incharge, DTC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.10.2018

It is submitted by ld. counsel for the respondents that the counter affidavit was filed yesterday. However, the same is not on record. Mr. S.K. Tripathi, Standing Counsel for DTC has furnished a copy of the counter affidavit.

The petitioner's grievance is that the respondent DTC has not furnished it with the "no dues certificate" in terms of Clause 10(a)(iii) of the terms of the tender. Therefore, it seeks a direction not to disqualify it under Clause 11 and also a direction that the "no dues certificate" be furnished to it. The petitioner in support of its claim for relief it seeks, submits that certain disputes with respect to payments were pending; the DTC sought to recover what it claimed were outstanding payments on account of the petitioner's defaults. The suit was apparently dismissed as was the appeal on the ground of limitation. The special leave petition to Supreme Court too was dismissed. This Court had therefore, in these circumstances,

required the respondents to take appropriate action.

In the counter affidavit, the DTC has *inter alia* stated as follows:

“9. Accordingly, provisional NDC is issued to M/s Rose Advertising Pvt. Ltd., subject to the final decision of the DTC Board and also considered for participation in tender process. Therefore, in the aforementioned facts, Hon’ble Court may pass the order accordingly as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

The court is of the opinion that the DTC’s position with respect to the no dues certificate is now clear. Apparently, with the rejection of its suit which had attempted to recover the amounts from the petitioner, there is no question of any amounts payable by the petitioner, which can hold up the issuance of the “no dues certificate”. This is also apparent from the extract of the counter affidavit filed.

In these circumstances, the respondent DTC is hereby directed to issue the requisite “no dues certificate” within a week from today; this will facilitate the petitioner’s participation in the tender process.

This writ petition is allowed in the above terms. Pending application also stands disposed of.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

OCTOBER 23, 2018

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