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

+ **W.P.(C) 7117/2018**

STAR FORMS

..... Petitioner

Through Mr. Durgesh Gupta, Advocate.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through Mr. Ramesh Singh, Standing Counsel for
GNCTD & Mr. Chirayu Jain, Advocate alongwith
Mr. Umesh Dutt Ojha, Deputy Education Officer.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

11.07.2018

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CM No. 27095/2018

Exemption application is allowed, subject to all just exceptions.

W.P.(C) No. 7117/2018

Star Forms in this writ petition has prayed for quashing/setting aside letter dated 3rd July, 2018 rejecting their bid for printing and supply of question paper and marking scheme for academic year 2018-19. Petitioner was told that they were technically unqualified and unfit. Petitioner has accordingly filed the present writ petition for direction to the respondents to consider their technical bid and financial bid.

2. In response to the protest letter dated 4th July, 2018 written by the

petitioner, the respondents vide letter dated 5th July, 2018 had informed the petitioner that the Tender Evaluation Committee with prior approval of the competent authority had found them to be technically disqualified as their licence of printing had expired on 31st March, 2018 and had not been renewed till submission of the bid i.e. 18th June 2018.

3. Eligibility criteria mentioned in the general terms and conditions in the Notice Inviting Tender had the following clause:-

“iii. Printing License: The bidder must have a valid license in printing issued by the competent authority. Mere registration with NSIC or declaration before the police authorities will not be treated as a license.”

4. Another clause in the Notice Inviting Tender with regard to essential documents to be submitted stipulates :-

“23. Essential Documents to be submitted

The bidder shall have to submit self attested copies of under mentioned documents with the technical bid. However, the original documents shall be produced by the bidder before the Addl. DE (Exam) for verification.

a)..
b)..
c)..
g) Copy of license in printing issued by the competent authority.
h)..
i)...

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5. Counsel for the petitioner accepts that the petitioner had not enclosed copy of the factory licence certificate for printing press for the period 1st April, 2018 onwards. Petitioner did not have the licence when they had submitted their bid/tender. Petitioner had applied for extension of factory licence certificate and the same was issued on 7th July, 2018. Aforesaid

factual position was mentioned in the application and could be ascertained from the website. Factory license for printing press has been issued and is available and enclosed with the Writ Petition.

6. On a Court question being put, learned counsel for the petitioner states that the application for issue of printing press factory licence for the period 1st April, 2018 to 31st March, 2019 was made in the month of June, 2018. It is, therefore, apparent that the petitioner had belatedly applied for the said licence. The terms and conditions of the notice inviting tender are sacrosanct and binding. The tender committee could not have overlooked the said terms and extended the time for the petitioner to furnish factory licence/certificate. It does not matter whether the petitioner was earlier awarded the contract for the Financial Year 2017-18. We are concerned with the new tender and whether eligibility conditions as stipulated were satisfied.

7. The respondents, no doubt had initially written a non-speaking letter dated 3rd July, 2018, but on objection raised by the petitioner, they had informed the reasons vide letter dated 5th July, 2018. The respondents should have been careful and given the reasons in the first letter itself, to avoid speculation and unnecessary correspondence. However, this would not be a ground to allow the present Writ Petition.

8. Recording the aforesaid, the writ petition is dismissed with order as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JULY 11, 2018/VKR