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

+ W.P.(C) 10834/2018 & CM APPL. Nos. 42269-42270/2018

M/S SHIVGARH FILLING CENTRE Petitioner

Through: Dr. Kislay Pandey with Mr.
Simranjeet Singh Talwar, Advocates

versus

M/S INDIAN OIL CORPORATION LIMITED AND
ORS. Respondents

Through: Ms. Mala Narayan with Ms. Neha
Dawar, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **09.10.2018**

Learned counsel for the respondent-Indian Oil Corporation who appears on advance notice states that the tender under question has been cancelled and a fresh tender will be floated.

The said statement is taken on record. The respondent-Indian Oil Corporation would be bound by the said statement.

Learned counsel for the petitioner submits that the respondent should float a fresh tender as soon as possible, as by default the respondent no.2 would continue to perform the services.

Learned counsel for the first respondent states that the apprehension of the petitioner is incorrect as already two attempts have been made by floating tenders, but due to some reasons, the said tenders had to be cancelled. Allegations of *mala fides* are denied.

We would observe that if there is delay in issuing notice

inviting tenders, it would be open to the petitioner to make a representation to the Corporation. If the first respondent does not respond and/or there is delay, the petitioner would be at liberty to file a fresh writ petition.

In view of the statement of the first respondent, and with liberty as granted, the writ petition is disposed of without commenting on the merits. All issues are left open.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

OCTOBER 09, 2018
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