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

+ W.P.(C) 11612/2018 & CM No. 44865/2018

JENENDRA MEDICOS PVT. LTD. Petitioner

Through: Ms Kum Kum and Mr P. K.
Bhardwaj, Advocates.

versus

UNION OF INDIA AND ORS. Respondents

Through: Counsel for the respondents
(appearance not given).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.10.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“1. Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents no.1, 2 and 3 to abide by the terms and conditions stipulated in the Tender Notice.

2. Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents no.1, 2 and 3 not to proceed further with the empanelment of respondent no.4.”

2. The respondents had issued a notice inviting tenders (NIT) from local chemist shops located in Delhi/NCR for supply of allopathic medicines to 99 Wellness Centres operated under Central Government Health Scheme (CGHS) of the Ministry of Health and Family Welfare, Government of India. The said tenders were to be submitted online. The petitioner and

respondent no.4 submitted their bids along with the other bidders. In terms of the tender conditions, the bids are to be evaluated at different stages.

3. The petitioner is, essentially, aggrieved as it is alleged that the bid of respondent no.4 (M/s Batra Medicos) is being considered despite respondent no.4 being ineligible for the same. The petitioner alleges that respondent no.4 had submitted an affidavit dated 21.02.2018 along with its bid but the same was attested on 16.02.2018. The petitioner contends that the said document is a forged since it could not have been attested prior to the date appearing on the said affidavit. In this context, the petitioner prays that directions be given to the respondents to reject the bid submitted by respondent no.4.

4. The learned counsel who appears on behalf of the official respondents states that the said inconsistency in the dates on the affidavit was noted. The date printed on the affidavit submitted by respondent no.4 was 21.02.2018 but the attestation date was 16.02.2018. He states that in view of this inconsistency, an opinion was sought from the Law Ministry. The Law Ministry opined that an enquiry should be conducted in this regard from the Notary Public, who had attested the affidavit. It is contended that such enquiry was made and the Notary Public, who had attested the affidavit, conceded that there was an inadvertent error on his part. In view of the clarification issued by the Notary Public, respondent no.4 bid has not been rejected.

5. The learned counsel appearing for the respondents further submits that the tenders would be evaluated as per tender conditions.

6. In the aforesaid view, this Court finds no reason to interfere with the

process of evaluation of the tenders. The respondents have, after conducting an enquiry, concluded that the affidavit submitted by respondent no.4 cannot be rejected on account of an inadvertent error. This Court finds no infirmity with this decision.

7. The petition is, accordingly, dismissed. The pending application stands disposed of.

VIBHU BAKHRU, J

OCTOBER 26, 2018
MK