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

+ LPA 664/2018, CM No. 49423/2018

M/S AVBS DIGITAL SOULTIONS PVT LTD Appellant

Through: Mr.Ranjeet Kumar, Adv.

Versus

POST GRADUATE INSTITUTE OF MEDICAL

EDUCATION & RESEARCH & ANR Respondents

Through: Ms.Shiva Lakshmi, CGSC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **28.11.2018**

C.M.No.49424/2018 (exemptions)

Allowed, subject to all just exceptions.

LPA No.664/2018 & CM No. 49423/2018

1. The appellant in this appeal has invoked the appellate jurisdiction of this Court under Clause 10 of the Letters Patent assailing the order 1st October, 2018 passed by the learned writ Court in W.P.(C) No.4545/2018.
2. The appellant had filed the writ petition assailing a communication dated 11th April, 2018 issued by the respondents terminating the contract granted to the appellants for the purpose of comprehensive maintenance support in respect of Computers, Printers, Fax, Scanner and laptops at the respondent/Hospital. It was the case of the appellant that the contract has been prematurely terminated and the termination of the contract is illegal. The Court found that though there was no issue regarding performance of the contract and the only reason for terminating the contract prematurely is that the respondent's view that similar services could be procured at cheaper

rates. It was however, held that for granting relief to the petitioner it would mean to direct specific performance of the contract which is otherwise determinable and in terms of Section 14 of the Specific Relief Act, 1963 such a relief cannot be granted.

3. We are, therefore, of the considered view that in dismissing the writ petition on the grounds as indicated hereinabove, no error has been committed by the learned writ Court. The prayer made by the appellant in the writ petition was for specific performance of a contract after its determination which is not permissible under Section 14 of the Specific Relief Act. The learned writ Court has not committed any error in not exercising its discretionary jurisdiction under Article 226 of the Constitution.

4. The appeal is accordingly dismissed. The pending application also stand disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 28, 2018

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