$~36

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

\+ W.P.(C) 13014/2018

GANGNATH YOUTH FOUNDATION AND ANR ..... Petitioners

Through: Mr Girish Kumar and Ms Pooja Singh, Advocates.

versus

GOVERNMENT OF NCT AND ORS. ..... Respondents

Through: Mr Satyakam, Additional Standing Counsel, GNCTD with Mr S. P. Singh, Dy. Dir. Horticulture, PWD.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 03.12.2018

CM No.50495/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 13014/2018

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

> "(A) Pass any writ order or direction in the nature of mandamus or any other type of writ, order or direction directing the respondents to grant permission to the project of the petitioner or in alternative pass direction to take immediate action on the illegal and arbitrary inaction of the respondent sitting tight over the project to make plantation of sapling and beautification of center verge and U-turn at Nelson Mandela Marg and inaction on the part of respondents being discriminatory. Arbitrary, unfair, irrational, unreasonable, arbitrary and- unconstitutional

and violative of article 14, 15, 16, 19 (1) (g) of The Constitution of India."

3. The petitioner had entered into an agreement with ONGC whereby ONGC had agreed in principle to fund the cost for plantation of saplings and beautification of center verge and U-turn at Nelson Mandela Marg, New Delhi. The petitioner's grievance is that the respondent authorities have not yet permitted the petitioner to undertake the said work. The petitioner claims that he had visited the authorities several times and also made repeated representations, however, it has not received any positive response from them.

4. The learned counsel appearing for the petitioner contends that that Director Horticulture, PWD had referred the petitioner to the Chief Engineer, PWD as according to him, the Chief Engineer would be the competent authority to grant the permission. He submits that the Chief Engineer in turn had redirected the petitioner to the Director, Horticulture who then referred the petitioner to the Deputy Director, Horticulture.

5. Mr Satyakam, learned counsel appearing for the respondents states that open tenders were called for the job of planting saplings and beautification of center verge and U-turn at Nelson Mandela Marg. Pursuant to the said invitation, the respondent had received a solitary tender. This Court is also informed that it may not be permissible for the respondents to consider the solitary tender.

6. Plainly, the petitioner's plea for an order directing the respondents to award the said work to the petitioner cannot be accepted. The petitioner would have to compete in the bidding process for securing the work as desired.

7. In view of the above, the respondents are directed to call for fresh tenders as expeditiously as possible. The notice inviting the fresh tender shall be advertised in the newspapers as well as the same would be placed on the respondent's website.

8. The petition is disposed of with the aforesaid directions

VIBHU BAKHRU, J

DECEMBER 03, 2018
MK