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

+ **W.P.(C) 763/2019, CM APPL. 3296-3298/2019**

TECH MAHINDRA LIMITED

..... Petitioner

Through: Mr. Chaitanya Safaya, Ms. Surabhi Limaye, Ms. Vaishal Kalera, Mr. Sidharth Naidu, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr. Sanjay Poddar, Sr. Advocate. with Mr. Sandeep Bajaj & Mr. Govind Kumar, Advs. Mr. Ajjay Arora, Advocate with Mr. Kapil Dutta, Advocate.

Mr. Bishan Das, AO(IT), SDMC

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.01.2019

The petitioner's grievance is with respect to the condition in the tender, which barred participation of all parties, involved in pending litigation with the tendering agency, South Delhi Municipal Corporation, which is the lead Corporation for the other Municipal Corporations in these proceedings.

The tender conditions, which the petitioner objects are extracted below:

"The bidder who are already in litigation with the Corporations due to any reason, whatsoever, are not eligible to bid for this RFP".

XXX

XXX

XXX

4.2 Pre-Qualification Criteria

The bidder should not be involved in any arbitration or litigation case with the Corporation at the time of bid submission.”

At the stage of preliminary hearing, Mr. Sanjay Poddar, learned Senior Counsel for the respondent-Corporations had sought short accommodation to obtain instructions and carry out necessary changes to delete the objectionable conditions . Today, Mr. Sanjay Poddar, learned Senior Counsel, upon instructions from Mr. Bishan Das, AO(IT), SDMC who is present in court submits that the impugned conditions (part of para 1.19 and pre-qualification criteria objected to under Clause 4.2, as well as references to these in any other part of the tender) would stand deleted. He further submits that the deletion would be duly indicated in the corrigendum and that all concerned parties, desirous of submitting the tender would be granted reasonable time to do so, by appropriately extending the last date for submission of the tender.

In view of the above statement, the dispute does not survive for consideration. The writ petition is disposed of as infructuous.

Order dasti.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

JANUARY 25, 2019/akv