

\$~33

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

+ W.P.(C) 3121/2019 & CM Nos.14294-96/2019

M/S NEW CLASSIC CATERERS PVT. LTD. Petitioner
Through : Mr. Jitender Mehta, Adv.

versus

UNION OF INDIA AND ORS. Respondents
Through : Mr. Nikhil Majithia, Adv. for
IRCTC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

29.03.2019

The petitioner's grievance is two-fold; the first claim is with respect to the correctness of the impugned e-tender dated 11.03.2019 for Train No.12327-28/12369-70, Upasna Kumbh Express limited for three months. After some hearing, learned counsel submits that the writ petition to this extent is not pressed.

The second major claim is with respect to the inaction of the respondent (IRCTC), in regard to the opening of the e-tender of January, 2019, for catering services in 29 trains (including the Upasana Kumbh Express). It is contended that despite the petitioner's bid having been accepted, and not rejected on technical eligibility criteria, the IRCTC had not taken any action and in the meanwhile, gone ahead with the limited tender for the Upasana Kumbh Express.

Learned counsel for the IRCTC submitted that the petitioner was a successful tenderer, initially for a period of six months w.e.f. 01.08.2018 for Upasana Kumbh Express; that the tenure of that contract was extended initially for a month (till end of February, 2019) and thereafter for 30.03.2019. The petitioner had not paid the entire licence fee for this contract and in the meanwhile, pending consideration of the e-tender for January 2019 (in respect of 29 trains), there is necessity to tender again for a limited period of three months for the Upasana Kumbh Express. The petitioner in fact participated in this limited tender also, but was not the lowest bidder. It is explained that the tender issued in January for 29 trains could not be finalized on account of some legal queries which have recently been addressed. Learned counsel for the IRCTC submitted that after the queries have been replied to, the authorities are likely to open the tender in the near future.

Having regard to the statement made, the IRCTC is directed to take a final decision with respect to the opening of the technical and financial bids and also the final award in respect of the January 2019 tender at the earliest, preferably within six weeks from today.

This writ petition is disposed of in the above terms.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

MARCH 29, 2019

aj