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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11038/2016 & CM No. 43111/2016**
SHEETAL AGGARWAL Petitioner
Through: Mr Alok Tripathi, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **07.08.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to The Chief General Manager, BSNL (respondent no. 2) to produce the files relating to tenders awarded by BSNL to respondent no. 8 (M/s R.L. Construction Co.). The petitioner claims that respondent no.8 is not eligible for securing any contract from BSNL as, according to the petitioner, respondent no. 8 did not fulfil the eligibility criteria. In addition, the petitioner claims that respondent no.8 has indulged in questionable practices since it has secured two Permanent Account Numbers (PAN) and therefore, is operating as two entities. The petitioner also claims that respondent no.8 had furnished a forged solvency certificate for securing the contracts from BSNL.
2. It is noticed that the matter was listed on 05.08.2019 and none had appeared on behalf of BSNL or respondent no. 8. None appears on behalf of them today as well.
3. The Counter affidavit filed on behalf of respondent no.3 (BSNL,

Gurugram) indicates that respondent no.8 had furnished a forged solvency certificate and therefore, was not awarded the contract pertaining to tender no.1435 and 1442. It is also stated that the EMD furnished by respondent no.8 had been forfeited. This Court is also informed that respondent no.8 had filed a writ petition against the action taken by BSNL.

4. The present petition was filed in the year 2016 and this Court had pointedly asked the learned counsel appearing for the petitioner, whether any of the contracts are subsisting. He fairly states that none of the contracts as mentioned in the petition are subsisting. In this view, no relief can be granted to the petitioner with regard to the tenders already awarded and executed by respondent no.8.

5. At this stage, learned counsel appearing for the petitioner states that the petitioner will be satisfied if directions are given to BSNL to consider the representations and make the necessary inquiries as to whether any action against respondent no.8 is warranted and if so, to take the same.

6. In view of the aforesaid prayer, this Court directs BSNL to examine the petitioner's allegations and if the same are found merited, to take appropriate action against respondent no. 8, as may be warranted in accordance with law. This is, of course, provided no such action has already been taken.

7. The petition is disposed of with the aforesaid observations. The pending application is also disposed of.

VIBHU BAKHRU, J

AUGUST 07, 2019/MK