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

+ W.P.(C) 13945/2019

M/S OM ENTERPRISES Petitioner
Through: Mr.Joginder Sukhija, Advocate

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents
Through: Mr.Anupam Srivastava, ASC for GNCTD
with Mr.Dhairya Gupta and Mr.Mihir
Saraswat, Advts. for R-1 & R-2.
Mr.Siddharth Khatana, Adv./Sr.Panel
Counsel for UOI/R-3.
Mr.Pradeep Kumar Kaushik and Dr.Sunil
Kumar, Advts. for R-4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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07.01.2020

With the consent of the parties this writ petition is set-down for final hearing and disposal at the admission stage itself.

Facts of the present writ petition are that on 06.12.2019 respondent no.2 issued a notice inviting tender for Healthcare Kitchen and Dietary Services for a period of 12 months. The bid was invited through web-portal - www.gem.gov.in of respondent No.3 vide Bid No.GEM/2019/B/453491 dated 06.12.2019. After the submission of bids, including a bid made by the petitioner, the tender was awarded to respondent no.4.

The grievance of the petitioner is that respondent No.4 is not fit to be awarded the tender for the reason that an FIR is pending against him pertaining to IAS/PCS Coaching Centre, Nizampur, Hapur; in addition to other complaints regarding sub-standard food having been supplied to Chacha Nehru Bal

Chikitsalya, in which case, after having examined the complaint of the petitioner, the tender awarded to respondent no.4 was cancelled.

Learned counsel for respondents No.1 and 2 submits that the complaint of the petitioner and another complaint received against respondent No.4 have been examined by the respondents, and consequent thereto, a show cause notice has been issued to respondent No.4. It is thus submitted that if there is any merit in the complaints so made, suitable action would be taken. Counsel for respondent No.4 submits that complaints made against respondent No.4 are mala fide and baseless and no FIR has been registered against it.

At this stage, Mr.Sukhija, learned counsel for the petitioner submits that respondents No.1 and 2 be directed to decide the show cause notice issued to respondent No.4 expeditiously, and in case he is aggrieved by the final order so made, liberty be granted to him to challenge the same.

Accordingly, with the above agreed directions, the writ petition is disposed of.

Copy of the final order deciding the show cause notice issued to respondent No.4 be provided to the petitioner through counsel appearing in the writ petition.

CM APPL. 55820/2019 (stay) & CM APPL. 224/2020 (amendment)

In view of the order passed in the writ petition, the applications are also disposed of.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

JANUARY 07, 2020

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