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

+ **W.P.(C) 764/2020**

SAINATH SALES AND SERVICES PVT. LTD. Petitioner

Through: Mr. Sukant Vikram, Advocate with
Mr.Kumar Shashwat, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Jasmeet Singh, CGSC for UOI.
Mr. Ramesh Singh, Standing Counsel
for GNCTD with Mr. Gautam
Narayan, ASC, Ms. Shivani Vij,
Advocate, Mr. Chirayu Jain,
Advocate and Ms. Sacchita Shahi,
Advocate for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 21.01.2020

C.M. No.2329/2020 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) No.764/2020 and C.M. No.2328/2020 (for interim relief)

Petitioner is aggrieved by the decision of respondent No.2 by
which the bid of the petitioner has been rejected.

Notice.

Mr. Jasmeet Singh, learned CGSC accepts notice on behalf of
respondent No.1 and Mr. Ramesh Singh, learned Standing Counsel
accepts notice on behalf of respondent No.2, the contesting
respondents.

In this case, the respondent No.2 had invited a tender. The petitioner participated in the tender ; but was rejected in view of the fact that the account of the petitioner on the GeM portal had been suspended. From the record it appears that the suspension was from 25.11.2019 to 25.12.2019 based on action taken by respondent No.1. The order of suspension of the petitioner's account is however not in dispute before us, though learned counsel for the petitioner submits that the order of suspension is bad in law.

Having regard to the undisputed fact that by reason of the order of suspension the system rejected the bid, we find no infirmity in the order of rejection that followed from respondent No. 2.

Learned counsel for the respondent No.2 submits that even otherwise, the writ petition is infructuous as the tender already stands awarded on 06.01.2020 and deployment has also taken place from 20.01.2020.

In these circumstances, we grant liberty to the petitioner, as prayed, to seek appropriate remedy with regard to the order of suspension which has been passed by respondent No.1, if so advised.

The writ petition and application are dismissed accordingly.

Dasti.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

JANUARY 21, 2020

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