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

+ W.P.(C) 2859/2020 & CM Nos.9946/2020 (by the petitioner for directions) & 9947/2020 (by the petitioner for exemption)

M/S VIJAY NIRMAN COMPANY PVT. LTD. Petitioner

Through Mr.Rajnish Ranjan, Adv. with

Mr.Shashwat V. Dubey, Adv.

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through Mr.Ramesh Singh, Adv. with

Mr.Ishan Agrawal, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **16.03.2020**

1. This petition has been filed by the petitioner/company praying *inter alia* for issuing a writ of mandamus to the respondent/GNCTD, restraining it from awarding the work of construction of a new Hospital at Siraspur, New Delhi in favour of M/s Ramacivil Construction India Pvt. Ltd., a company that has not even been impleaded in this petition.

2. On enquiring from learned counsel for the petitioner as to the reason for not impleading the aforesaid party, as a respondent when several allegations have been made against it; he states that though the said company has been shortlisted by the respondent/GNCTD, the contract has not been awarded in its favour.

3. This can hardly be a ground for not impleading M/s Ramacivil

Construction India Pvt. Ltd., as a co-respondent when it is not only a necessary party, but also proper party in the present proceedings.

4. Since learned counsel for the appellant declines to implead the aforesaid party as a co-respondent in this petition, we decline to entertain the present petition, as filed.

5. The petition is dismissed for non-joinder of a necessary party along with the pending applications. As and when a fresh petition is filed by the petitioner, wherein the aforesaid party is impleaded, the same shall be considered in accordance with law.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

MARCH 16, 2020/aa