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

+ W.P. (C) 3176/2020 and CM APPL. 11040-11042/2020

AARPEE INFRA PROJECTS PRIVATE LIMITEDPetitioner

Through: Mr. Mohit Chaudhary, Advocate

versus

UNION OF INDIA & ANR.

...Respondents

Through: Ms. Maninder Acharya, ASG with
Mr. Vikram Jetly, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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22.05.2020

HEARD THROUGH VIDEO CONFERENCING

1. The petitioner has filed the present petition praying *inter alia* for quashing the technical result dated 01.05.2020 declared by the respondent No.2/Ministry of Road Transport and Highways, disqualifying it for a tender floated on 15.02.2020, for construction of a two lane road in the State of Arunachal Pradesh, through the State PWD. The petitioner has also prayed for quashing of certain conditions of the tender document and stated that the respondent No.2 ought not to have been influenced by the earlier debarment order issued against it by the NHIDCL in the year 2019.

2. At the outset, Ms. Maninder Acharya, learned ASG states on instructions from Mr. Vikram Jetly, learned CGSC that the present petition has been rendered infructuous inasmuch as the financial bid in the instant case was opened on 12.05.2020 and since it was an online bid, the results were collated and L-1 was identified on the very same day by virtue of drawing the Minutes

of the Meeting in that regard. However, a communication to L-1 of awarding the tender has not been issued as yet.

3. On hearing the aforesaid submission, Mr. Chaudhary, learned counsel for the petitioner states that the aforesaid position ought to have been pointed out by learned counsel for the respondents on the very first date of hearing, i.e., on 18.05.2020. In any case, he states that since the present petition has been rendered infructuous in terms of the relief prayed for therein, he may be permitted to withdraw the same while reserving the right of his client to challenge award of the tender to the L-1, as identified by the respondents and take all pleas that may be available to it in the fresh petition.

4. Leave, as prayed for, is granted. The present petition is disposed of as infructuous alongwith the pending applications.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MAY 22, 2020

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