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

+ W.P.(C) 3630/2020 & CMs.No.12933/2020, 12934/2020

MADHUCON PROJECTS LIMITED

..... Petitioner

Through: Ms. Kiran Suri, Sr. Advocate with
Mr. Suryadeep Singh, Advocate with Mr. Amod
Suri, AR of the petitioner

versus

UNION OF INDIA & ANR.

....Respondents

Through: Ms. Maninder Acharya, ASG with
Mr. Vikram Jetly, CGSC and Mr. Viplav
Acharya, Advocate for R-1/UOI
Ms. Pooja Chandra, Ms. Rukmini
Mukherjee and Ms. Shankari Mishra Advocates
for R-2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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19.06.2020

HEARD THROUGH VIDEO CONFERENCING.

1. The petitioner is aggrieved by the order dated 10.6.2020, issued by the respondent No.1/Ministry of Road & Transport, UOI declaring it as a non-performer and refusing to open its financial bid dated 03.10.2019, submitted for the work of "*construction of 2 - lane road of Potin to Pangin Section of NH-13 from km 314.25 to km 351.383 (packages 9) in the State of Arunachal Pradesh under Arunachal Pradesh package of roads and highways of SARDP-NE*".

2. At the outset, Ms. Maninder Acharya, learned ASG states on instructions from Mr. Vikram Jetly, learned CGSC that the present petition as filed, is infructuous for the reason that the financial bids were opened on 15.6.2020 and

SRK Construction and Projects being the L-1, has been awarded a Letter of Intent on the very same date.

3. Ms. Kiran Suri, learned Sr. Advocate appearing for the petitioner states that in that eventuality, the respondents be called upon to furnish a copy of the Letter of Intent dated 15.6.2020 to the briefing counsel of the petitioner and the present petition be permitted to be withdrawn with liberty to seek appropriate legal recourse.

4. Learned CGSC is directed to electronically forwarded a copy of the Letter of Intent dated 15.6.2020 issued to the L-1/SRK Construction and Projects, to the counsel for the petitioner in the course of the day.

5. The petition is dismissed as withdrawn along with the pending applications with liberty granted to the petitioner to seek legal recourse against awarding of the order to L-1.

6. While disposing of the present petition, we make it clear that we have not made any observations on the merits of the pleas taken by the petitioner or the objections that may be available to the respondents. All the said aspects are left open to be decided in appropriate proceedings.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

JUNE 19, 2020

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