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

+ **W.P.(C) 4135/2020**

SHRI SWAMI SAMARTH ENGINEERS LTD. Petitioner

Through: Mr. Prashant Shrikant Kanjale,
Advocate.

Versus

**THE CGM AND RO, MUMBAI MAHARASHTRA NATIONAL
HIGHWAYS AUTHORITY OF INDIA & ANR. Respondents**

Through: Mr. Ankur Mittal, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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13.07.2020

HEARD THROUGH VIDEO CONFERENCING

CM APPL. No. 14833/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 4135/2020 & CM APPL. No. 14832/2020 (stay)

1 The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondents to withdraw the Technical Evaluation Report dated 07.07.2020, whereunder it has been declared as 'unqualified' in respect of the bid offered by it.

2. At the outset, Mr. Mittal, learned counsel appearing for the respondents/NHAI states that the entire relief in the present petition is directed against PWD, Maharashtra, a Department which has not even been

impleaded in the present petition, though the Notice Inviting Tender (NIT) dated 01.11.2019, has been issued by the said Agency. He therefore states that the present petition is not maintainable in this court.

3. At this stage, learned counsel for the petitioner states that there have been some positive developments after filing of the present petition inasmuch as the petitioner's representation has been duly considered by the PWD, Government of Maharashtra and they have agreed to open the financial bid of the petitioner today itself along with those submitted by other bidders. He, therefore, states that he does not wish to press the present petition.

4. While reserving right of the respondents to take all the pleas available to them in the event the petitioner files a fresh petition in Delhi in respect of the subject NIT, the present petition is disposed of as not pressed along with the pending application.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JULY 13, 2020

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