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

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Judgment delivered on: 17.07.2020

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W.P.(C) 4213/2020

VINS BIOPRODUCTS LIMITED & ANR. Petitioners

versus

MEDICAL SUPERINTENDENT, SAFDARJUNG HOSPITAL
& ANR. Respondents

Advocates who appeared in this case:

For the Petitioners: Mr. Sunil Fernandes with Mr. Darpan Sachdeva and
Mr. Shubham Sharma, Advocates.

For the Respondents: Mr. Vikram Jetly, CGSC for respondent Nos.1 and 2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

W.P.(C) 4213/2020 & CM APPL.15174/2020 (stay)

1. The hearing was conducted through video conferencing.
2. Petitioners impugn communication dated 08.07.2020 (signed on 09.07.2020), whereby, the technical bid of the petitioner was rejected by the respondents for their tender and petitioners were debarred on

the allegation that they had submitted incorrect particulars in their bid. Further petitioner impugns order dated 10.07.2020 whereby the representation of the petitioner has been rejected.

3. Learned counsel for the petitioners submits that the debarment order was issued without any show cause notice and without giving any opportunity to the petitioners to present their case.

4. Learned counsel for the petitioners further submits that petitioners have received one letter dated 16.07.2020 from the respondent No.1. Copy of the letter dated 16.07.2020 has been filed through e-mail. The same is taken on record.

5. Learned counsel appearing for the respondent No.1 submits that the subject tender has already been cancelled. He further submits that in terms of letter dated 16.07.2020, the order dated 08.07.2020 (signed on 09.07.2020) had only rejected the bid of the petitioners for participation in that tender. He submits that the letter specifically states that only the bid of the petitioners was rejected and they were not debarred from participating in any bid. He categorically states that impugned letter dated 08.07.2020 (signed on 09.07.2020) is not to be considered as an order of debarment of the petitioners from participating in any tender.

6. In view of the above, it is held that the impugned letter dated 08.07.2020 (signed on 09.07.2020) shall be treated only as a letter of

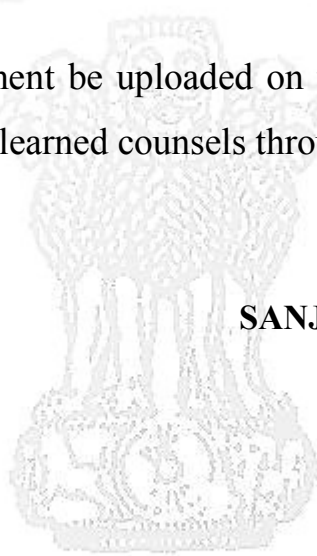
rejection of petitioners' bid and shall not be construed as an order of debarment of the petitioner from participation in any tender. Since the Respondent No. 1 by its letter dated 16.07.2020 has clarified that letter dated 08.07.2020 (signed on 09.07.2020) is only a letter of rejection of bid and not an order of debarment, the challenge to rejection order dated 10.07.2020 is infructuous.

7. Petition is disposed of in the above terms.

8. Copy of the judgment be uploaded on the High Court website and be also forwarded to learned counsels through email.

JULY 17, 2020
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SANJEEV SACHDEVA, J



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