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

Date of Decision: 14.09.2020

+ **W.P.(C) 4395/2020 & CM APPL.15812/2020 (stay)**

ASHISH CHATURVEDI Petitioner

Through: **Mr. Vikram Pradeep, Adv.**

versus

UNION OF INDIA & ANR. Respondents

Through: **Mr. Jasmeet Singh, CGSC for R-1/UOI.**

Mr. Kamal Kant Jha, Adv. for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

J U D G M E N T

D.N. PATEL, CHIEF JUSTICE (*Oral*)

Proceedings in the matter have been conducted through video conferencing.

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1. Learned counsel appearing for the petitioner submitted that looking to the stand taken by the respondent No.2 as mentioned in Part-I of their written submissions, especially in paragraphs No.6, 7 and 9 and in Part-II paragraphs No.6 and 7, now nothing survives in this petition and the grievances ventilated by the petitioner have been brought to an end. Hence, petition may be disposed of as such.

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2. Paragraphs no.6, 7 and 9 of Part-I of the written submissions of respondent No.2 read as under:

“1. ISP'S GLOBAL PQB NO.72/2014 DATED 18/07/2014 & SUBSEQUENT ICB TENDER NO.54/2016-17 DATED 01.06.2016 FOR PROCUREMENT OF '15 MILLION ICAO COMPLIANT ELECTRONIC CONTACTLESS INLAYS ALONG WITH ITS OPERATING SYSTEM IN 2 UPS' REQUIRED FOR MANUFACTURE OF INDIAN e-PASSPORT.

6. That, during this process, a fresh Security-clearance was sought against the following firms from time to time due to Change of its Director/(s), Change of Company's name, acquisition, change in share holding pattern, change in ultimate beneficiary of the firm/ (s) etc.

- (i) M/s. Gemalto Sp.Z.o.o, Poland*
- (ii) M/s. Smartrac Technologies Ltd., Thailand*
- (iii) M/s. Safran Identity & Security France (Erstwhile M/s. Morpho).*

7. That a fresh Security-clearance in respect of following firms had been DENIED as under:-

- (i) MoF vide letter dated 26.12.2018 enclosing therewith MHA's letter dated 18.12.2018 had conveyed the denial of Security-clearance in respect of M/s IDEMIA Identity & Security France (erstwhile M/s Safran Identity & Security France earlier M/s Morpho, France.)*
- (ii) MoF vide letter No. 7/10/2014-Cy.I(Vol.II)/CF No.241464 dated 07th August 2019 conveyed the denial of Security-clearance in respect of M/s Linxens (Thailand) Co. Ltd, Thailand.(Erstwhile M/s. Smartrac Technologies Ltd., Thailand).*

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9. That M/s. Gemalto Sp. Z.o.o (now known as Thales DIS Polska Sp. Z.o.o) denied to extend the validity of their bid beyond 18.05.2020 as conveyed by them vide email dated 03.07.2020, hence, they are also out of tender process. ”

3. The paragraphs no.6 and 7 of Part-II of the written submissions of respondent No.2 read as under:

“II. ISP'S DOMESTIC PQB NO. 61/2016-17 DATED 15.06.2016 & SUBSEQUENT NCB TENDER NO. 09/2019 DATED 10.04.2019 FOR PROCUREMENT OF 7.5 MILLION ICAO COMPLIANT ELECTRONIC CONTACTLESS INLAYS ALONG WITH ITS OPERATING SYSTEM IN 2 UPS' REQUIRED FOR MANUFACTURE OF INDIAN e-PASSPORT.

6. That, after the evaluation of techno-commercial offers of the above firms, the proposal for opening of price-bids of the above firms was sent for the approval of Board of Directors, SPMCIL, CHO on 06.09.2019 subject to a fresh security clearance in respect of M/s Siepmann's Card Systems Pvt. Ltd, Mumbai, due to acquisition of the firm and change of its Directors.

7. That the Security-clearance in respect of M/ s Siepmann's Card Systems Pvt. Ltd, Mumbai had been denied and conveyed vide letter dated 30.09.2019 & 26.09.2019 of MoF & MHA respectively. ”

4. In view of these submissions, the grievances ventilated in this petition have been brought to an end especially in respect those two companies namely, (i) M/s. Gemalto Sp.Z.o.o, Poland and (ii) M/s Siepmann's Card Systems Pvt. Ltd, Mumbai.

5. In view of the fact that the contract in question about the printing of the passports is no more going to be given to the aforesaid two companies, the grievances ventilated in this petition have been brought to an end. Hence, this petition is disposed of as such.

CM APPL.15812/2020 (*stay*)

In view of the order in the main petition, no orders are required on this application.

The same stands disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

SEPTEMBER 14, 2020
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