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

+ **W.P.(C) 5354/2020**

OMEGA ELEVATORS Petitioner

Through: Mr. Bhargav Hasurkar and
Mr. Saurabh Jain, Advocates.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Vikram Jetly, CGSC
for R-1 and R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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18.08.2020

HEARD THROUGH VIDEOCONFERENCING

CM 19302/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5354/2020 & CM 19301/2020 (for grant of ex-parte ad interim order)

1 At the outset, learned counsel for the petitioner states that he may be permitted to confine the reliefs in the present petition to prayer clauses (i) to (iv) alone while reserving the right of the petitioner to seek appropriate recourse in respect of the relief at prayer (v).

2 Accordingly, prayer (v) is deleted from the prayer clause and the writ petition is confined to prayers (i) to (iv).

3 The petitioner seeks issuance of a writ in the nature of certiorari for quashing the E-tender Notice dated 21.07.2020, invited by the respondent No. 2/Military Engineering Service for installation of lifts at the Army Hospital R & R, Delhi Cantt. on the ground that the respondents have illegally specified the make of the product, namely, elevators and confined it only to certain manufacturers, while excluding it from the bidding process.

4 We may note that the tender in question was issued by the respondent No. 2 on 21.07.2020 and the last date for submitting a bid is 20.08.2020, i.e., day after tomorrow. The petitioner has approached this court virtually at the last minute for relief. Learned counsel for the petitioner seeks to explain that the petitioner has made a detailed representation to the respondents on 10.08.2020 on the issue raised in the present petition, but did not receive any reply.

5 On the first call, Mr. Jetly, learned Central Government Standing Counsel appearing for the respondents had stated that though he was appearing on receipt an advance copy of the paper book, he had not received any instructions from the department. At his request, the matter was passed over.

6. On the second call, Mr. Jetly, learned C.G.S.C. submits that he has received an e-mail from the Assistant Director (Contract) of the respondent No. 2/MES stating *inter alia* that “*the matter has been discussed with the Chief Engineer (HQ), CE Delhi Zone and it has been decided that all makes of approved manufactures which includes M/s Omega Elevators also be incorporated in the tender through amendment to tender*”.

7 In view of the aforesaid amendment proposed to the tender by the respondents, nothing further survives for adjudication in the present petition.

The respondents shall amend the tender on the above terms at the earliest.
The present petition is disposed of, along with the pending application.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

AUGUST 18, 2020
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