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

+ **W.P.(C) 5394/2020**

DEEPAK AND CO

..... Petitioner

Through: Mr. Naresh Thanai, Advocate

versus

IRCTC & ANR.

..... Respondents

Through: Mr. Nikhil Majithia, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **17.09.2020**

HEARD THROUGH VIDEO CONFERENCING

C.M. No. 22976/2020 (exemption)

Allowed, subject to all just exceptions.

REV. PET. No. 136/2020 (by the petitioner seeking review of the order dated 19.8.2020)

1. This application has been moved by the petitioner seeking review of the order dated 19.8.2020, whereby this court had declined to entertain the present petition by observing that once the Forensic Expert appointed by the respondent No.1/IRCTC has certified that the respondent No.2 meets the financial criteria stipulated in the technical bid and the said Financial Auditor is an expert in the field, the court cannot sit in appeal over the said findings to return a different finding at the instance of the petitioner. It was directed that if the petitioner has a grievance with regard to the manner in

which the forensic audit has been conducted by the Financial Auditor, then the remedy of Article 226 of the Constitution of India is not available to it. Instead, the petitioner was relegated to seeking civil remedies against the respondents No.1 and 2 and the petition was disposed of.

2. Mr. Thanai, learned counsel for the petitioner states that there is an error in the order dated 19.8.2020, inasmuch as the complete forensic audit in relation to the information furnished by the respondent No.2 was not communicated by the respondent No.1/IRCTC to the petitioner.

3. We are afraid the aforesaid submission can hardly be treated as an error apparent on the face of the record. If the petitioner had a grievance that incomplete documents have been supplied to it by the respondent No.1/IRCTC, it ought to have approached the respondent No.1/IRCTC directly seeking a complete set of the forensic audit conducted in respect of the respondent No.2.

4. The review application is dismissed as meritless.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

SEPTEMBER 17, 2020

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