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

% Judgment delivered on: 12.01.2022

+ W.P.(C) 10846/2021, CM APPL. 33458/2021 & 2072-73/2022

GAUTAM PATHAK Petitioner

versus

EAST DELHI MUNICIPAL CORPORATION Respondent Advocates
who appeared in this case:

For the Petitioner: Ms. Indira Marla, Advocate.

For the Respondent: Mr. Tushar Sannu, Standing Counsel, EDMC with Ms. Ankita Bhadouriya and Mr. Shubhankar Sharma, Advocates.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a mandamus to the respondent to allot an alternative parking site to the parking site for which petitioner was found to be a successful bidder pursuant to the notice inviting tender dated 14.08.2020.
3. Petitioner could not be allotted the parking site for the reason that the site turned out to be a park maintained by the horticulture department and not available for allotment for parking.
4. As per the petitioner respondent had considered the petitioner for another alternative site near DCP Office, Dhobi Ghat, Seelampur, however even that site has not been allotted.



5. Learned counsel appearing for the respondent Corporation submits that the proposal to allot the said site as an alternative site did not find favour with the competent authority for financial reasons. He accordingly submits that the said site has been put up for auction and shall be handed over to the highest bidder.

6. Since the site for which petitioner had submitted his bid, pursuant to the NIT dated 14.08.2020, cannot be allotted for parking purposes, no mandamus can be granted to the respondent to allot an the said site or an alternative site.

7. However keeping in view the facts and circumstances of the case, it would be open to the respondent to consider the request of the petitioner that in case an alternative site is found feasible and financially viable, same be allotted to the petitioner and in the alternative if no alternative site is financially viable, the amount deposited by the petitioner along with the bid be refunded forthwith.

8. In view of the above, this petition is disposed of leaving it open to the respondents to consider the request of the Petitioner within a period of four weeks from today. In case no site is found suitable for allotment, the amount deposited by the petitioner be refunded to the petitioner forthwith.

9. Petition is disposed of in the above terms.

10. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

JANUARY 12, 2022/rk