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

Date of Decision: 27th March, 2023

+ **W.P.(C) 3834/2023 and CM APPL. 14901/2023, 14902/2023**
MEDICAL POLLUTION CONTROL COMMITTEE Petitioner
Through: Mr Atul Kumar & Mr Amit Gupta,
Advocates (M-9560960020).

versus

GOVT. OF NCT OF DELHI & ORS. Respondents
Through: Mr. Satyakam, ASC with Ms.Pallavi
Singh, Advocate for R-1, 3 & 4.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Medical Pollution Control Committee seeking direction to the Respondents to issue LOA to the Petitioner and expedite the process of tender initiated in respect of “*Common Biomedical Waste Treatment Facility*”.
3. The background of the matter is that Respondent No.2- DPCC had issued Expression of Interest (EOI) for setting up of and operating two “*Common Biomedical Waste Treatment Facility*” in Delhi on Built, Own and Operate Basis. The same was for collection, transportation, storage and treatment and disposal of biomedical wastes in:
 - Region 1- East, Northeast and Shahadra districts of NCT of Delhi and;
 - Region 2- West, Southwest and Central Districts of NCT of Delhi.
4. The Petitioner had submitted its bid, however unfortunately, the EOI was cancelled. Again, a second EOI was issued by the DPCC on 22nd March, 2021 for both the regions and the tender process was initiated. However, the

said tender was again cancelled.

5. Thereafter, a tender was floated for the 3rd time by the said Respondent for both the regions. The Petitioner qualified in the financial and the technical bid. However, due to some disputes which arose, a third party filed a writ petition being **W.P.(C)-15154/2021** titled **Synergy Waste Management Pvt Ltd. v. Govt. of NCT of Delhi**, and the tender process was stayed by the Court. Due to the pending litigation, LOA could not be issued in the favour of the Petitioner. Later, the petition filed by the said third party was dismissed vide order dated 3rd November, 2022 and the stay was vacated. The Petitioner is stated to have written multiple communications to Respondent No.2 seeking issuance of LOA in its favour, however, to no avail.

6. The submission of Id. Counsel for the Petitioner is that the Petitioner is being forced to hold onto the land and pay rent, since no decision is being taken by the DPCC. The LOA is neither being awarded nor a decision for cancellation is being communicated to the Petitioner.

7. On behalf of Respondent No.2- DPCC, Id. Counsel submits that the decision is now pending with the DPCC.

8. Heard Id. Counsel for the parties and perused the record. It is clear from the chronology of events that the Petitioner's EMD amount and other investments are stuck with the Respondents in view of inaction by the DPCC. Accordingly, it is directed that the DPCC shall communicate its decision on the said tender at the earliest and in any case, within a period of two months to the Petitioner.

9. If a decision is taken to accept the Petitioner's bid, the LOA shall be awarded within a period of two months. If on the other hand, the decision is taken to not to grant LOA to the Petitioner, all the amounts deposited by the

Petitioner with the Respondents shall be refunded within a period of two month. If the two months' period *qua* refund is not adhered to, interest would be liable to be paid by the DPCC.

10. Petitioner is given liberty to approach this Court in case no decision is communicated to it within the stipulated period.

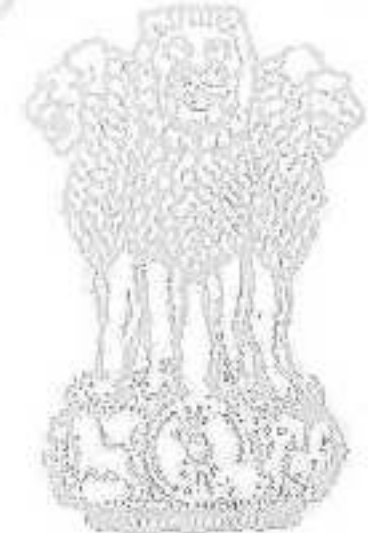
11. The remedies of the Petitioner are left open.

12. Petition is disposed of in these terms. All pending applications are disposed of.

PRATHIBA M. SINGH
JUDGE

MARCH 27, 2023

Rahul/SK



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