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

+ **W.P.(C) 162/2024 & CM APPL.771/2024**

WELL PROTECT MANPOWER SERVICES PVT.LTD.

..... Petitioner

Through: Ms.Maninder Acharya, Sr.Advocate
with Mr.Tarkeshwar Nath, Mr.Lalit
Mohan, Mr.Akash Kumar,
Ms.Niharika Singh and Mr.Akash
Mohan, Advocates.

versus

DR BABA SAHEB AMBEDKAR HOSPITAL & ANR.

..... Respondents

Through: Mr.Udit Malik, ASC (Civil) with
Mr.Vishal Chanda, Advocate and
Mr.Dinesh Sehrawat, Sr.Asst.
Mr.Satyakam, ASC.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **05.01.2024**

1. Present writ petition has been filed primarily challenging the bid document dated 5th December, 2023 issued by the Respondent No.1- Hospital in Bid Number GEM/2023/B/4279990.
2. Learned senior counsel for the Petitioner states that GNCTD vide its order dated 23rd October, 2023 fixed the rates of Minimum wages for Unskilled, Semi-Skilled and Skilled categories as Rs.673/-, Rs.742/- and Rs.816/- per day respectively.
3. She states that Respondent No.1 through GeM (Government E-Marketplace) invited bid/tender for providing Security Services in its



premises for a period of three years. The tender was for deployment of 203 Security Guards and 9 Security Supervisors in the premises of the Respondent-Hospital. The estimated annual value of the contract was Rs.17,92,68,660/-.

4. Learned senior counsel for the Petitioner states that the impugned bid document fixes the basic pay at Rs.742/- (minimum daily wages) of semi-skilled manpower with no provision of statutory requirements of PF, EDLI, ESI, EPF and Bonus. Further, there is no provision for higher basic pay for security supervisors who fall in the category of skilled or highly skilled workers. In support of her submissions, she relies upon the Division Bench judgment of this Court in *M12C Security & Facilities Private Limited Vs. Government of NCT & Ors.*, 2013 SCC OnLine Del 3906.

5. A perusal of the paperbook reveals that the Petitioner had, prior to the filing of the present writ petition, filed a number of representations which have not been disposed of till date.

6. Keeping in view the fact that the Respondent-Hospital is obliged under the bid document to dispose of the representations filed by the Petitioner-Tenderer, this Court disposes of the present writ petition by giving an opportunity to the Petitioner to file a comprehensive representation within a period of one week. In the event the representation is filed within a week, the same shall be disposed of by way of a reasoned order within three weeks thereafter. The Respondent-Hospital shall not open the price bid for a period of one week after the disposal of Petitioner's representation.

7. Till the new contractor is appointed, the contract of the existing contractor may be continued on the existing terms and conditions or an



alternative ad hoc arrangement be made. With the aforesaid directions, the present writ petition and application stand disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 5, 2024/TS