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

+ **W.P.(C) 1261/2024 & CM APPL. 5270/2024**

M/S. OMEGA ELEVATORS

..... Petitioner

Through: Mr. Bhargav Hasurkar, Advocate
(Through VC)

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Vikram Jetly, CGSC with Ms.
Shreya Jetly, Advocate with Ms.
Akshita Gupta, ARC-DoT and Mr.
Shahabaz Khan, AR, C-DoT

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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30.01.2024

CM APPL. 5271/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 1261/2024 & CM APPL. 5270/2024

1. The present writ petition has been filed challenging the tender dated 20th December, 2023 issued by respondent no. 2/Centre for Development of Telematics ("C-DOT") for replacement of lifts, operation & AMC after



warranty at C-DOT Building, Delhi on the ground that the tender is restricted to limited makes/manufactures/brands, which does not include the petitioner.

2. Learned counsel for the petitioner states that the petitioner's name ought to have been included in the list of eligible bidders as the petitioner had been awarded similar contracts previously. He states that the omission of petitioner's name from the tender amounts to blacklisting of the petitioner. He contends that the tender favours foreign brands at the cost of Indian manufacturers such as the petitioner. He states that restricting the tender to a few brands will promote the cartelisation and defeat the purpose of e-auctions/e-tenders.

3. Learned counsel for the petitioner emphasises that in similar circumstances, this Court vide judgment dated 04th June, 2021 passed in W.P.(C) 2060/2021 and W.P.(C) 4043/2021, had set aside the tenders, which limited the tender to five manufacturers. He points out that the Petitioner's representation dated 23rd December, 2023 has not been decided till date.

4. Issue notice. Mr. Vikram Jetly, CGSC accepts notice.

5. He states that the Respondents shall extend the date for submission of bids by two weeks. He further states that the Respondent shall dispose of the Petitioner's representation within a week.

6. Consequently, the present writ petition is disposed of with a direction to the Respondents to treat the present writ petition as a representation and to decide the same by way of a reasoned order in accordance with law within one week. The date for submission of bids is extended by two weeks.



7. In the event, the Petitioner is aggrieved by the decision taken by the Respondent; it shall be open to the Petitioner to file appropriate proceedings in accordance with law. Accordingly, the present writ petition along with application stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 30, 2024/rhc