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

+ **W.P.(C) 4682/2024 & CM APPL. 19199-19201/2024**

SHAH CATERS

..... Petitioner

Through: **Mr. Joydeep Sharma and Mr. Kaushal Kapoor, Advocates**

versus

JAG PRAVESH CHANDRA HOSPITAL & ANR. Respondents

Through: **Mr. Satyakam, ASC, GNCTD**

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Date of Decision: 01st April, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPLs. 19200-19201/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present applications stand disposed of.

W.P.(C) 4682/2024 & CM APPL. 19199/2024

1. Present writ petition has been filed seeking a direction to Respondent No. 1/Jag Pravesh Chandra Hospital to award the contract pursuant to the tender dated 10th April, 2023 for a food kiosk in the premises of Respondent No.1.

2. Learned counsel for the Petitioner states that in terms of Clause 6 of Special Terms and Conditions of the tender, kiosk was to be allotted to the highest bidder. He states that the bid summary on Respondent No. 2/GeM's portal shows that the Petitioner is the highest bidder (H1). He points out that despite being the highest bidder, the Petitioner has been declared as the

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lowest bidder (L3) on 20th April, 2023. He states that on 29th February, 2024, Petitioner was informed by the Respondent No. 1 that due to inadvertence, instead of classifying the highest bidder, the GeM portal has classified the lowest bidder.

3. He states that in an identical situation, this Court *vide* judgment dated 01st November, 2023 in W.P. (C) 11960/2023, had directed the GeM to make necessary corrections. He states that the Petitioner has made a representation dated 06th March, 2024. He however states that no response has been forthcoming so far.

4. Learned counsel for Respondent No.1 admits that there has been a mistake on its part in issuing instructions to GeM. He, however, states that as the Petitioner has filed a representation, the present writ petition be disposed of with a direction to Respondent No.1 to decide the same.

5. Keeping in view the aforesaid as well as the fact that the tender in question has not been awarded till date, the present writ petition is disposed of with a direction to Respondent No.1 to decide the Petitioner's representation dated 06th March, 2024 by way of a reasoned order in accordance with law, in particular paragraphs 5 and 7 of the order dated 01st November, 2023 in W.P.(C) 11960/2023. Pending application is disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 1, 2024/msh

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