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

+ **W.P.(C) 4960/2024 & C.M.Nos.20307-20308/2024**

TARA CHAND SUMIT CONSTRUCTION CO. Petitioner

Through: Mr.S.K.Jain with Mr.Akshu Jain,
Ms.Stuti Jain and Ms.Sishwa Bharti,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through: Ms.Shobhana Takiar, standing
counsel for DDA.

+ **W.P.(C) 4961/2024 & C.M.Nos.20312-20313/2024**

TARA CHAND SUMIT CONSTRUCTION CO. Petitioner

Through: Mr.S.K.Jain with Mr.Akshu Jain,
Ms.Stuti Jain and Ms.Sishwa Bharti,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through: Ms.Shobhana Takiar, standing
counsel for DDA.

+ **W.P.(C) 4962/2024 & C.M.Nos.20318-20319/2024**

TARA CHAND SUMIT CONSTRUCTION CO. Petitioner

Through: Mr.S.K.Jain with Mr.Akshu Jain,
Ms.Stuti Jain and Ms.Sishwa Bharti,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through: Ms.Shobhana Takiar, standing
counsel for DDA.



CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
05.04.2024

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1. Present writ petitions have been filed challenging the decisions dated 26th February, 2024, 05th March, 2024 and 16th March, 2024, whereby the technical bids of the petitioner for NIT nos. 50, 55 and 56 for road work in Nazul AC-II Narela Zone, were rejected by the respondent-Delhi Development Authority (DDA) on the ground that the petitioner had not submitted 'consent to operate' for a hot mix plant from the Central/State Pollution Control Board.
2. Learned counsel for the petitioner states that the petitioner's rejection is unlawful, arbitrary and contrary to the terms of the NITs. He states that NOC issued by the Haryana State Pollution Control Board ('HSPCB') to operate hot mix plant was not required as part of the technical bid in the NITs. He points out that the petitioner had submitted purchase bill of asphalt batch mix plant and 'consent to establish' the plant/unit in terms of the NITs. He emphasises that in a similar tender being NIT No.16, the respondent had specifically stipulated requirement of 'consent to operate' from Central/State Pollution Control Board. Therefore, according to him, exclusion of such stipulation in the subject tenders means that 'consent to operate' was not required. He also states that the petitioner's bids for NIT No.50, 55 and 56 were much below the estimated cost.
3. Learned counsel for the respondent-DDA, who appears on advance notice, states that all the three tenders in question have already been awarded.



4. Having perused the paper book, this Court finds that Clause (x) of the documents to be submitted for the technical bid in all the three tenders required the bidder to submit a 'NOC from Central/State Pollution Control Board'. Such stipulation can only be interpreted to mean that a 'consent to operate' is required to be furnished by the bidder as the successful bidder will be required to operate the hot mix plant. Contrary to the statement made by the petitioner, NOC in Clause (x) cannot be construed to mean 'consent to establish'.

5. Further this Court finds that though on 01st February, 2024, DDA had given an opportunity to the petitioner to furnish a copy of the NOC for operating the plant on or before 05th February, 2024, yet the same had not been furnished by the petitioner. Consequently, the present writ petitions being bereft of merit are dismissed along with the applications.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 5, 2024
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