



\$~31

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

+ **W.P.(C) 7153/2024 and CM APPL. 29812/2024**

PHILIPS INDIA LIMITED

.....Petitioner

Through: Mr Amit Sibal, Senior Advocate with
Mr Udit Mendiratta, Mr Shivkrit Rai,
Mr Daniyal Qureshi and Mr Apeksha
Singh, Advocates.

versus

UNION OF INDIA AND ANR

.....Respondents

Through: Mr Vikram Jetly, CGSC and Ms
Shreya Jetly, Mr Abhigyan Siddhant,
Advocates.

Mr Sandeep Sethi, Senior Advocate
with Mr Sulabh Rewari, Ms Neha
Mathew, Ms Shreya Sethi and Ms
Saumya Sinha, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

01.08.2024

%

1. The petitioner has filed the present petition impugning a decision dated 04.05.2024 whereby the Directorate General of Armed Forces Medical Services (hereafter *DGAFMS*) had declared respondent no.2 (Wipro GE Healthcare Pvt. Ltd.) as the L1 bidder in respect of bids furnished for supply of 3-Tesla MRI Machines. The DGAFMS had invited tenders through the Government e-Marketplace (*GeM*) and had issued bid documents for the same. Both the petitioner and respondent no.2 had participated in the said tender by submitting their bids. It is stated that respondent no.2 had offered to supply its products – SIGNA Hero. DGAFMS had evaluated the bids and declared respondent no.2 as L1 and petitioner as L2. The petitioner claims



that the product offered by respondent no.2 does not meet the minimum additional specification parameter under the “Broad Based Qualitative Requirements (BBQR) as stipulated by DGAFMS.

2. Mr Jetly, the learned counsel appearing for respondent no.1 states that the present petition is infructuous as the respondent is not proceeding ahead with its decision dated 04.05.2024, whereby respondent no.2 was declared as L1. He states that the decision was re-evaluated and respondent no.2’s machines were found to be non-compliant with the stipulated specifications. He submits that respondent no.1 shall take a fresh decision.

3. In view of the above, no further orders are required to be passed in this petition. The same is disposed of. The pending application is also disposed of.

4. It is clarified that all rights and contentions of the parties are reserved.

VIBHU BAKHRU, J

SACHIN DATTA, J

AUGUST 01, 2024
RK/gsr