



\$~73

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

+ **W.P.(C) 13681/2022**

MAHALAXMI MALT PRODUCTS PVT LTDPetitioner

Through: Mr. Pranjali Kishore and Ms. Madiya
Mushtaq, Advocates.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. Mukul Singh, CGSC with Ms. Ira
Singh and Mr. Aryan Dhaka,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.12.2024**

CM APPL. 72726/2024

1. The instant matter has been listed on the present application. However, considering the nature of prayer made in the application, in the opinion of the Court, the main writ petition itself can be disposed of.
2. Accordingly, with the consent of counsel for parties, the writ petition is called on board today itself.
3. Disposed of.

W.P.(C) 13681/2022

4. The Petitioner, engaged in the manufacturing of malted milk foods, malt based foods, malt extract etc., had applied for registration with Respondent No. 2/ Army Purchase Organisation,¹ for supply of malted food in October 2021. The APO issued a communication dated 08th July, 2022 to



the following effect:

“Dear Sir,

- 1. Reference your application No NIL dated 13 Nov 2021*
- 2. In light of turnover less than required, non submission of requisite documents and supporting details by the firm as specifically sought from time to time, this office is constrained not to further process the case for registration of your firm with APO.”*
- 3. For your information please.”*

5. As per the aforementioned communication, the Petitioner’s request for registration was turned down as their turnover was less than the prescribed turnover for entities that were entitled to registration. Further, according to the Respondents, the Petitioner had also not submitted requisite documents and supporting details of their firm, resulting in the refusal of their application for registration.

6. The prayer made in the petition is being contested by the Respondents as per the counter affidavit. They urge that Petitioner’s documents and the financial turnover was not found to be meeting the requirements.

7. During the pendency of the present proceedings, the Petitioner has now filed a fresh application for registration with the APO under File No. 62003/Q/Gen/APO (Regn Cell). In this regard, the Petitioner also sent a communication dated 09th May, 2024 to the APO, which was responded to by the APO through communication dated 10th May, 2024, informing them about the process and the documents required for registration. The Petitioner replied to the said communication apprising the Respondents that the requisite documents had been sent through registered post. There was further correspondence with the APO, which has been detailed in the application (CM APPL. 72726/2024). In this regard, another communication dated 29th

¹ “APO”



November, 2024 was issued by the Directorate General and Supplies and Transport, which reads as follows:

TECHNICAL AND HYGIENE INSPECTION: UNREGISTERED FIRMS

1. Ref your letter No 62003/Q/1Gen/APO (Coord) dt 21 Jun 2024.
2. Please find enclosed Technical and Hygiene inspection status report dated 29 Nov 2024 in respect of **M/s Mahalaxmi Malt Products Pvt Ltd, D-13 Shopping Centre-II, Mansarovar Garden New Delhi-110015** for their factory located at **Vill-Rehrana, Teh and Distt – Palwal, Haryana-121102**.
- “ 3. Please acknowledge receipt. ”

DIRECTORATE GENERAL OF SUPPLIES AND TRANSPORT
QUARTER MASTER GENERAL'S BRANCH (Q/ST-7/8)

TECHNICAL AND HYGIENE INSPECTION STATUS:
M/S MAHALAXMI MALT PRODUCTS PVT LTD

1. Based on the technical and hygiene inspections carried out on **21 Mar 24** and **24 Oct 2024** respectively, the current status of the firm **M/s Mahalaxmi Malt Products Pvt Ltd, D-13 Shopping Centre-II, Mansarovar Garden New Delhi-110015** for Army Contracts, is as under: -

- (a) Location/address of Plant/Factory : Village-Rehrana, Tehsil & Distt- Palwal, Haryana-121102.
- (b) Commodities/Items : Malted Milk Food (MMF).
- (c) Production Capacity : 30 Metric Tonnes per day.
- (d) Validity of Mandatory Documents as produced to Inspecting Officer: -
 - (i) Food Safety and Standards Authority of India (FSSAI) License Number 10012064000061 valid till 03 Apr 2027.
 - (ii) HACCP Certificate Number QCS-2022-MAPL-Q9757 valid till 08 Jun 2025.
 - (iii) Consent to Operate/Pollution Control Board (water/air) Certificate Number HSPCB/Consent/ 313119522PALCTO19151647 valid till 31 Mar 2027.
- (e) Registration status : Unregistered [Army Purchase Organisation (APO) letter No 62879/Q/1ATC/2024-25/MMF/APO/Pur-IV dt 11 Mar 2024 (addressed to this office only)].
- (f) **Technical Inspection.**
 - (i) Conducted on/by : 21 Mar 2024; Col SK Singh & Maj Himanshu Baliyan, CFL ASC Delhi.
 - (ii) Status/Validity : FIT; valid till 31 Mar 2025 [in case firm awarded contract, this validity will be deemed extended for all Delivery Periods (DPs) originally due to commence on or before 31 Mar 2025 as per ATC/RFP but extended upto any period into the next financial year with due approval of CFA; not valid for contracts pertaining to Financial Year 2025 - 26 and thereafter without re-inspection].

(Note : Validity for Technical Inspection mentioned above may be amended as per orders of competent registering authority in case of change in registration status of firm with APO).

- (g) **Hygiene Inspection.**
 - (i) Conducted on/by : 24 Oct 2024; Lt Col Indranil Samanta, SHO Delhi Cantt.
 - (ii) Status/Validity : FIT; valid till 23 Apr 2025 [also valid for future tenders of Malted Milk Food (MMF) uploaded by APO having bid opening on or before 23 Apr 2025] [In case firm awarded contract, hygiene inspection to be carried out afresh after every six months till completion of last DP].

2. This certificate supersedes all other certificates/ reports/ letters with reference to Technical and Hygiene inspection issued in respect of aforesaid firm till date.

3. Competent authority reserves the right to carry out Interim/Spot Technical and/or Hygiene Inspection(s) at any stage during currency of ongoing contract(s).



8. From the aforementioned communication, it appears that as per the technical and hygiene inspection carried out at the Petitioner's premise, the Petitioner's facilities have been found to be in order.
9. In light of the aforesaid circumstances, the Petitioner seeks limited directions to the Respondents to consider their fresh application for registration and take a decision thereon, in accordance with law.
10. In view of the foregoing, the Court finds that the request made is reasonable. Accordingly, the Respondents are directed to consider Petitioner's application under File No. 62003/Q/Gen/APO (Regn Cell) on its own merits, in accordance with law and convey the decision thereon to the Petitioner, within four weeks from today.
11. All rights and contentions of the parties are reserved.
12. The Court has not commented on the merits of the application of Petitioner.
13. With the aforesaid directions, the petition is disposed of.
14. The next date of hearing fixed, i.e., 15th April, 2025 stands cancelled.

SANJEEV NARULA, J

DECEMBER 11, 2024

d.negi