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

+ **W.P.(C) 12717/2023 & CM APPL. 50184/2023**

JUNITEN PTE. LTD. & ANR.

..... Petitioners

Through:

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Vaibhav Gaggar, SPC with Mr. Abhishek Khanna, GP and Ms. Shefali Munde and Mr. Prerak Khurana, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

05.04.2024

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1. The present Writ Petition has been filed with the following prayers:

“a. Issue a Writ of mandamus or any other appropriate writ, order or direction(s) to Respondent to hear and decide the Petitioners’ Representation dated 06.09.2022 by way of a reasoned order in an expeditious and time-bound manner, in accordance with law as earlier directed by this Hon’ble Court vide its Order dated 07.09.2022; and / or

b. Issue of Writ of mandamus or any other appropriate writ, order or direction(s), restraining Respondent from floating /calling for fresh proposal(s)/re-tendering in respect of the Subject Project or part thereof without first deciding the Petitioner’s Representation by way of a reasoned order and instead permit the Petitioners to implement the Subject Project, in as much as they have the requisite readiness /



*preparedness the same, within the prescribed timeline.
And / or*

c. Issue a Writ of mandamus or any other appropriate writ, order or directions(s), restraining Respondent from giving effect to or proceeding any further with the circular dated 24.07.2023 (Annexure – P14). And / or

d. Issue a Writ of mandamus or any other appropriate writ, order or direction(s) directing Respondent to either refund the amount of Bank Guarantee wrongly forfeited or restore the Bank Guarantee furnished by the Petitioners.”

2. Though it is stated by the learned Counsel for the Respondents that the representations of the Petitioner have been decided by an Order dated 02.12.2022. Learned Counsel for the Petitioner draws the attention of this Court to the Order dated 07.09.2022, passed by this Court in W.P.(C) 13031/2022, which reads as under:

“Mr. Dave, learned Senior Counsel after addressing some submissions, has prayed for liberty being accorded to pursue the representation which was made on 06 September 2022. He further prays for the petitioner being accorded liberty to raise all issues before the competent authority of the respondents and the present writ petition may be treated as part of the representation that has already been tendered. The liberty as sought is granted.

The writ petition along with pending applications stands disposed of on the above terms. All contentions of respective parties on merits are kept open.”

3. Order dated 02.12.2022 does not deal with the Order dated 07.09.2022, passed by this Court.



4. In view of the above, this Court directs the Respondents to once again consider the Order dated 07.09.2022, passed by this Court in W.P.(C) 13031/2022, the contentions raised in the said petition and the contentions raised in the present Writ Petition and pass a composite order. The Respondents are directed to pass a detailed order within six weeks from today.
5. With these observations, the Writ Petition is disposed of along with the pending applications, if any.
6. It is made clear that this Court has not made any observations on the merits of the case.
7. Liberty is granted to the Petitioner to approach this Court in case need arises in future.

SUBRAMONIUM PRASAD, J

APRIL 5, 2024
Rahul