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

+ **W.P.(C) 15514/2024 & CM APPL.65147/2024**

SUNIL YADAV

.....Petitioner

Through: Mr.Joydeep Sarma, Advocate with
Mr.Kaushal Kapoor, Advocate.

versus

DEEN DAYAL UPADHYAY HOSPITAL

.....Respondent

Through: Mr.Sameer Vashisht, ASC (Civil)
with Ms.Harshita Nathrani, Advocate
along with Mr.Dhananjay Kumar,
AMS(A) and Mr.Gautam Arora,
ADO.

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Date of Decision: 12th November, 2024

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, CJ : (ORAL)

CM APPLs.65148-65149/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the present applications stand disposed of.

W.P.(C) 15514/2024 & CM APPL.65147/2024

3. Present writ petition has been filed seeking a direction to the respondent/Deen Dayal Upadhyay Hospital to open the financial bid of the petitioner and finalize the tender dated 12th June, 2024 for operating two kiosks at the premises of respondent hospital.



4. Learned counsel for the petitioner states that due to the failure of the respondent to open the bids of the subject tender, the petitioner filed a writ petition being W.P.(C) 11645 of 2024. He states that on 29th August, 2024, technical bids were opened and it was informed by the respondent that the financial bids will be opened on 02nd September, 2024. He states that in the circumstance, the petitioner withdrew the previous writ petition being W.P.(C) 11645 of 2024.

5. He states that despite its commitment, the respondent failed to open financial bids on 02nd September, 2024. He states that the petitioner issued a legal notice dated 17th September, 2024 to the respondent urging it to open financial bids. He states that in its reply dated 24th September, 2024, the respondent stated that it is in receipt of complaints/representations against the bidders, including the petitioner. He states that vide notice dated 04th October, 2024, the petitioner requested the respondent to supply copies of complaint but there has been no response so far.

6. He alleges that the respondent is manipulating the tender process to favour the current licensee of the canteen. He contends that the respondent is obligated to complete the tender process as per law in a transparent and time bound manner.

7. Learned counsel for the respondent, who appears on advance notice, has, today in Court, handed over a copy of the status report dated 12th November, 2024, wherein it has been stated, “...it has come to the notice of the hospital at a later stage that under the delegation of financial power rules 2021 of GNCTD, the Medical Director of the respondent Hospital does not possess the powers to allot the kiosks for which tender has been floated. Hence, clarification has been sought from our Administrative Department ie



Health and Family welfare Department GNCTD in this regard and the same is awaited....". The same is taken on record.

8. During the hearing, it transpires that the current licensee of the canteen has been in possession of the canteen for the last twenty eight (28) years, even though a limited tenure tender has been floated in the year 1996.

9. Prima facie, there seems a ring of truth in the allegation made by learned counsel for the Petitioner.

10. Consequently, this Court disposes of the present writ petition along with applications with a direction to the respondent to finalise the tender process in question within six (06) weeks in accordance with law. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 12, 2024
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