



\$~24

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

+ W.P.(C) 15785/2024 & C.M.No.66199/2024

M/S. LIKHMARAM BHAMBU IN CONSORTIUM WITH M/S.
SHIV KUMARPetitioner

Through: Mr.Abhinav Agnihotri with Mr.Vinay
Kumar Dubey, Mr.Vishal Kumar
Malhotra, Mr.Mohinder Singh
Rathor, Mr.Saurabh Singh, Mr.Sahil
Gupta, Mr.Gautam Yadav, Ms.Priya,
Mr.Akshay Vashist and Ms.Simran
Sharma, Advocates.

versus

GOVERNMENT OF NCT OF DELHI THROUGH TRANSPORT
DEPARTMENT & ORS.Respondents

Through: Mr.Tushar Sannu with Mr.Sahaj
Karan Singh, Advocates for R-
1/GNCTD.
Mr.Saurabh Kirpal, Sr.Advocate with
Mr.Mohd.Fuzail Khar, Ms.Shisba
Chawla and Mr.Gaurav Kumar,
Advocates for R-2.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
13.11.2024

%

1. Present writ petition has been filed seeking a direction to respondent no.1/Transport Department, GNCTD to reject the bids of respondent nos.2 and 3 in a tender for Operation & Maintenance of Vehicle Inspection & Certification Centre at Jhuljhuli, Delhi on the ground that the bids are abnormally low and suffer from predatory pricing .



2. Learned counsel for the petitioner states that respondent nos.2 and 3 have been declared as lowest and second lowest bidder with bids of Rs.14,98,128/- and Rs.16,70,880/-. He states that the petitioner has been declared as L-3 bidder with a bid of Rs.53,03,358/-.

3. He states that as per clause 2.4.1 of the bid document, the minimum manpower requirement for the subject tender is eighteen persons. He further states that in terms of the order dated 23rd October, 2024 passed by Labour Department, Govt. of NCT of Delhi, minimum wages for unskilled labour is Rs.17,494/-. He states that as such, wages for eighteen persons per annum will be Rs.37,78,704/-. He, therefore, states that the bids submitted by respondent no.2 and 3 are abnormally low bids.

4. He also points out that Ministry of Finance has also issued an Office Memorandum dated 06th February, 2020 cautioning the procurement agencies to exercise due care in cases of abnormally low bids. He further states that the petitioner has made a representation dated 06th November, 2024 to respondent no.1 but has not received any response so far.

5. Learned counsel for respondent no.1, who appears on advance notice, states that the contract had been initially allotted to M/s Rosemarta for a fixed tenure. He states that the said tenure has expired in 2022, and if the present writ petition is entertained, the contract of M/s Rosemarta shall continue by default.

6. Learned senior counsel for respondent no.2 states that respondent no.2 is a new entrant in this trade in Delhi and in order to gain experience is willing to suffer a loss in the present transaction. He further states that the main concern of respondent no.1 has to be with regard to capability of the bidders to perform the contract. He emphasises that the capability of



respondent no.2 to perform the contract cannot be doubted, as the net worth of respondent no.2 and its directors is extremely high.

7. Keeping in view the aforesaid, this Court disposes of the present writ petition along with the application with a direction to the respondent no.1 to decide the petitioner's representation dated 06th November, 2024 in accordance with law, as expeditiously as possible, preferably within ten days. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 13, 2024
KA