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

+ **W.P.(C) 5888/2017**

M/S MEND SOLUTIONS PVT LTD

..... Petitioner

Through: **Mr. Brahmanand Gupta, Advocate.**

versus

NATIONAL TRUST

..... Respondent

Through: **Mr. Abhishek Agarwal and
Ms. Kanicka Mittal, Advocates.**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

05.02.2024

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1. The present petition is filed under Articles 226/227 of the Constitution with the following prayers:

A. Set aside the order/letter dated 08.12.2014 issued by the respondent whereby the work order awarded to the petitioner has been cancelled by the respondent; and

B. Direct the respondent to reinstate the work order to the petitioner as per the RFP illegally and arbitrarily cancelled by the respondent; and/or

C. Award adequate compensation to be given by the respondent to the petitioner for the loss of work, loss of time and money and harassment; and

D. Cost of the litigation may also be awarded in favour of the petitioner;

E. Any other or further orders which this Hon'ble Court deems fit and proper may also be passed in favour of the petitioner and against the respondent in the interest of justice.

2. It is stated that the respondent on 07.05.2014 invited bids for development and implementation of MIS and IT Solutions vide Request for



Proposal and the petitioner had participated in the tender process.

3. The petitioner vide letter bearing no. F.33/Worldautismday/NAT2014/4581 dated 05.09.2014 and e-mail dated 05.09.2014 was declared as successful bidder and was asked to collect the copy of the work order from the office of the respondent. Subsequently, the petitioner was awarded work order vide letter bearing F.33/Worldautismday/NAT2014/5980 dated 09.10.2014.

4. The respondent vide letter bearing no. F.33/Worldautismday/NAT2014-15/4885 dated 08.12.2014, cancelled the work order without assigning any reason. Being aggrieved, the petitioner filed the present petition.

5. The respondent filed the counter affidavit wherein it is stated that the Chairperson of the Board of National Trust on 05.12.2014 in the noting of meeting on the subject "*the web based MIS and Website of National Trust-Development of AMC*" observed large number of lapses in the impugned tender and accordingly, the work order was cancelled.

6. The counsel for the respondent during the course of arguments, referred the order dated 13.02.2017 passed by another Co-ordinate Bench of this Court in Arb. P. bearing no. 685/2016 titled as **Mend Solution Pvt. Ltd. V The JS & Eco, National Trust** wherein it was observed that no contract was signed between the petitioner and the respondent. It is also stated that the petitioner had not submitted the performance guarantee as per the procedure but rather submitted the FDR in the sum of Rs.7,40,000/- (Rupees Seven Lacs and Forty Thousand Only) dated 07.04.2018.

7. The counsel for the respondent stated that the subject matter of the work order has already been completed by another agency and the



respondent has written to the petitioner for the return of the FDR amounting to Rs.7,40,000/- along with interest accrued thereon.

8. The counsel for the petitioner, on instructions from Mr. Sunil Kumar, Proprietor of the petitioner, stated that the FDR amount to Rs.7,40,000/- be returned to the petitioner and the petitioner shall be entitled to receive the interest accrued thereon.

9. Accordingly, it is ordered that the FDR bearing no. 34280177189 in favour of Mend Solutions (P) Ltd. amounting to Rs.7,40,000/- along with accrued interest be returned back to the petitioner and Mr. Amit Kumar Ashutosh, Accounts Officer, handed over the said FDR to the petitioner in the Court itself.

10. The present petition along with pending applications, if any, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

FEBRUARY 5, 2024

N/AK