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

+ W.P.(C) 12486/2021 and CM APPL.39286/2021

URMILA BHARGAVA & ANR.Petitioners

Through: Mr. Swetank Shantanu, Mr. Pratap
Shanker and Mr. Ankit Kumar,
Advocates.

versus

MSTC LIMITED & ORS.Respondents

Through: Ms. shambhavi and Ms. Sonia A.
Menon, Advocates for R-1.
Mr. Pradeep Misra, Mr. Daleep
Dhyani, Advocates for R-3.
Mr. Vikram Jetly, CGSC along with
Ms. Shreya Jetly, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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19.05.2025

1. *Vide order dated 24.02.2025, it was directed as under:-*

“1. Vide order dated 08.11.2021, it was inter-alia recorded as under:

“7. Learned counsel for the respondent no.2 also prays for time to obtain instructions as to whether the said respondent is willing to grant an opportunity to the petitioner to inspect the said material, in the light of the admitted position that nine months have expired since the e-auction was conducted.”

2. Unfortunately, no inspection has been afforded to the petitioner, despite lapse of a substantial period of time.

3. During the course of hearing, learned counsel for the respondent submits that the entire material i.e. 132511 litres is still lying at the site of the concerned respondent/s, in terms of the auction notice.

4. Learned counsel for the respondent nos. 1 and 2 submit, that without prejudice to their rights and contentions, an opportunity of carrying out



an inspection shall be granted to the petitioner within a period of ten days from today. It is directed accordingly.

5. At the time of inspection, the petitioner would also be at liberty to take a sample of the relevant material. The same shall also be without prejudice to the rights and contentions of the respondents in the present proceedings.

6. List on 25.03.2025.”

2. It is submitted by the respective counsel that pursuant to the said order, an inspection was carried out. According to the petitioner, the inspection revealed there was a deficiency in the actual quantity of “used oil” for which the petitioner had submitted its bid.

3. According to the petitioner, the deficiency was largely on account of the fact that the concerned oil contained a large quantity of water and sludge as a result of which, the actual quantity available for the petitioner is only 111080.04 litres instead of the contracted quantity of 132511litres.

4. After some hearing, learned counsel for the petitioner submits that without prejudice to the rights and liabilities of the petitioners, in particular, without prejudice the right to claim damages from the respondents in appropriate civil proceedings, the petitioner shall lift the quantity of oil that is lying at the premises of the respondent no.2 on an as-is where-is basis.

5. Learned counsel for the respondent no.2 accedes to the petitioner lifting the used oil lying at its premises on an as-is where-is basis.

6. Let requisite arrangements be made by the petitioner to lift the said used oil within a period of five weeks from today.

7. At the time of lifting of the used oil, the respondent no.2 shall be entitled to take endorsement/receipt from the petitioner as regards the used oil which has been lifted by the petitioner.



8. Learned counsel for the petitioner does not press for any other relief against any other respondents including the respondent no.3.
9. The petition is disposed of in the above terms. The pending application also stands disposed of.
10. Needless to say, this order shall not affect the rights of either of the parties to take recourse to their civil remedies for breach of contract (if any), damages etc. All rights and contentions of the parties in this regard are reserved.

SACHIN DATTA, J

MAY 19, 2025/r