

(3)

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 2092/2012 and CM No.4549/2012 (Stay)

M/s AMIT BROTHERS .... Petitioner

Through: Mr.Sameer Sharma and Mr.Varun

Gupta, Advocates.

versus

CHIEF ENGINEER, R and D AND ANR .... Respondent

Through: Mr.Sachin Datta, Advocate/Standing

Counsel for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE RAJIV SHARMA

ORDER

13.04.2012

The grievance of the petitioner is that the tender documents are not being issued to the petitioner though the petitioner is a registered contractor.

We may note that we have repeatedly emphasized in various orders/judgments that whenever a tender is rejected or tender documents are not issued and a party enquires reasons, it is necessary that the reasons be communicated to such a party to avoid unnecessary litigation as otherwise the first round of litigation is to find out the reasons and

The second round of litigation is to challenge the reasons. Despite this, the authorities persist in keeping silent over such representations, which we strongly deprecate. We call upon the learned standing counsel for UOI to ensure that all the Government departments are circulated a communication to disclose reasons in such cases where enquiries are made by a contracting party to avoid unnecessary litigation and a compliance report be filed within two weeks. A copy of this order be circulated along with the communication.

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Insofar as the present case is concerned, learned standing counsel for UOI states that the reasons why tender documents have not been issued to the petitioner shall be communicated on or before 16.04.2012 through a written communication with a copy being handed over to learned counsel for the petitioner.

The writ petition stands disposed of with the aforesaid directions with liberty to the petitioner to challenge any adverse decision, if so advised, in accordance with law.

Dasti to learned counsel for the parties under the signatures of the Court Master.

1. The Secretaries of the Ministries/Departments of the Govt. of India
2. The Financial Advisers of the Ministries/Departments of the Govt. of India

SANJAY KISHAN KAUL, J

RAJIV SHAKDHER, J

APRIL 13, 2012/dm