
(1999) 01 DEL CK 0076

In the Delhi High Court

Case No : C.W.P. No's. 503, 529, 3979, 4596, 5307 of 1998 and 2 of 1999

Commodore D.J. Singh (Retd.)

APPELLANT

Vs

NDMC and Others

RESPONDENT

Date of Decision : 12-01-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 78 DLT 746 : (1999) 49 DRJ 466

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : A.S. Chandhiok and B.L. Wali, for the Appellant; S.S. Sabharwal and G. Bhushan, for the Respondent

Judgement

K. Ramamoorthy, J.—All the above six writ petitions are arising out of the publication made by the NDMC on 9.4.1998. That was with reference to 105 parking lots in Delhi on 29.4.1997 the NDMC had passed the resolution for 40 parking lots. There are 88 tenders from the Ex-servicemen. Tenders of 22 Ex-servicemen have been accepted by the NDMC. With reference to the following parking lots, the writ petitions have been filed:

1. Shanker Market.
2. K. Block Radial Road No.4
3. K. Block Radial Road No.5
4. K. Block Connaught Circus.
5. Palika Bazaar.
6. Madras Hotel and
7. Hindustan Times.

2. The NDMC" had issued another notice dated 19.9.1998 prescribing the eligibility criteria and that notice was with reference to 24 parking lots. The

prescription of eligibility criteria is challenged by the writ petitioners who are all from the category of Ex-servicemen. The learned Counsel for the NDMC has represented that the Director General Resettlement and after due deliberation with him about the qualifications were prescribed and that is reflected in the notice dated 19.9.1998. The learned Counsel for the NDMC Mr. Sabharwal submits that the NDMC has been acting in accordance with the directions issued by this Court on earlier occasion.

3. I find considerable force of the submissions made by the learned Counsel for the petitioner Mr. A.S. Chandhiok that the NDMC has no authority to act under the New Delhi Municipal Council Act, 1994 and in accordance with the principles enshrined in the Constitution. The NDMC had prescribed certain eligibility criteria without any basis and Therefore the prescription of eligibility criteria is without any authority.

4. It is a matter of fact that no such prescription in the notice issued by the NDMC on 9.4.1998. With reference to the other parking lots except those mentioned above, the NDMC is at liberty to act in accordance with the directions issued by this Court on an earlier occasion. With reference to the parking lots referred to hereinabove, we had a long debate in the last hearing and some arrangements had been arrived at. However, in the interest of the NDMC and also in the light of the well settled principle of law, I find that arrangement could be given effect to. The period of business of three years has been mentioned in the notice.

5. With reference to Shankar Market parking lot, petitioner No. 1 in CW No. 4596/98 -- Lt. Co. S.P Singh (Retd.) is declared highest bidder. He has offered a bid of Rs. 11,555/-.

6. With reference to K Block Radial Road No.2 packing lot, petitioner No.2 in CW No. 4596/98 -- (Capt. Paramjit Singh Ahluwalia (Retd.)) is declared highest bidder. He has offered a bid of Rs. 25,000/-.

7. In respect of K Block Radial Road No.3: parking lot, petitioner No. 3 in CW No. 4596/98 - [Col. Devender Singh (Retd.)) is declared the highest bidder. He has offered a bid of Rs. 8,000/-.

8. In respect of K Block Connaught Circus parking lot, Petitioner No.4 in CW No. 4597/98 [Sqn. Ldr. Raj Kumar Bandlish (Retd.)) is declared the highest bidder. He has offered a bid of Rs. 22,400/-.

9. The petitioner in CW No. 2/99 (Mr. B.S. Kela) is not willing to offer anything while Mr. S.S. Sabharwal, learned Counsel for the NDMC states that the highest bidder offered bid Rs. 1,51,000/- and which has been received by the NDMC. Therefore, me New Delhi Municipal Council is at liberty to deal with parking lot in Jeevan Bharti in accordance with law.

10. With reference to the parking lot of Hindustan Times, there was a contest between the petitioner No. 5 in CW No. 4596/98 [Lt. Col. S.S. Bhandari (Retd.)]

and petitioner in CW No. 3979/98 [Commodore D.J Singh (Retd.)]. They were directed to submit their offer in sealed covers today. They submitted the sealed cover which were opened in the presence of the petitioner No. 5 in CW 4596/98 (Retd.) and the petitioner No. C.W. No. 3979/98 [Commodore D.J. Singh (Retd.)]. Lt. Col. S.S. Bhandari (Retd.) offered a bid of Rs. 1,73,000/- while Commodore D.J. Singh offered Rs. 2,00,500/- Therefore with reference to parking lot in Hindustan Times of Commodore D.J. Singh is accepted and he is declared as the highest bidder.

11. With reference to parking lot in Palika Bazar the contest between petitioner No. 1 in CW No. 5301/98 (Ram Kishan) and the Petitioner in CW No. 529/98 (Maj. S.K. Mudgal). Mr. S.S. Sabharwal, learned Counsel for the NDMC states that the NDMC had received an offer of Rs. 60,000/-. In the light of this I directed the parties concerned to give their offer independently in Court. The petitioner in CW No. 529 / 98 (Maj. S.K. Mudgal) has given offered of Rs. 67,000/-. The petitioner No. 1 in CW No.5031/98 (Ram Kishan) has offered Rs. 71,000/-. Consequently the offer of Petitioner No. 1 5031/98 (Ram Kishan) is accepted and he is declared as the highest bidder. The NDMC shall issue the acceptance letters to the aforesaid persons within two days from today and the payment in accordance with the notification shall be paid by the highest bidder within a week on the date of receipt of the notice. Thereupon the NDMC shall proceed to complete the formalities.

12. As I have noticed above, the NDMC shall be at liberty to open the sealed tenders with reference to other parking lots and decides the matter in accordance with the Resolution dated 29.4.1997.

13. Accordingly, all the above six writ petitions stand disposed of. There shall be no order as to costs.