

(2025) 07 DEL CK 1022

In the Delhi High Court

Case No : Writ Petition (C) No. 11264 Of 2025 & Civil Miscellaneous Application
No. 46308-09 Of 2025

Santhi Caterers

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 31-07-2025

Acts Referred:

Citation : (2025) 07 DEL CK 1022

Hon'ble Judges : Devender Kumar Upadhyay, CJ;Tushar Rao Gedela, J

Bench : Division Bench

Advocate : Chandan Kumar, Dinesh Kr. Tiwari, Shubham

Final Decision : Dismissed

Judgement

Tushar Rao Gedela, J

1. Present writ petition has been filed seeking quashing of Letter of Award dated 17.07.2023 issued by respondent no.3 in favor of respondent no.4 to run retiring rooms and dormitories at Vizinagram Railway Station, Andhra Pradesh; and further, a direction to respondent department to issue a Letter of Award in favour of the petitioner.

2. In December, 2022, the respondent no.2 had floated the E-Tender No.2023/IRCTC/CO/RR-01 for renovation, operation, maintenance & transfer back of retiring room & dormitories at Vizinagram Railway Station, Andhra Pradesh, in which the petitioner had participated and submitted its bid on 15.02.2023.

3. Learned counsel for the petitioner submits that as per the terms of the subject tender, the bidder quoting the highest annual license fee shall be declared as selected bidder. He states that the petitioner had offered a bid of Rs.9,05,005/-, whereas the offering price of respondent no.4 i.e. M/s Good Food Catering Services was Rs.1,87,331/-, however, the respondent department, in deviation from its own terms, has declared the respondent no.4 as H1, who had quoted a lower license fee than the petitioner, and has also issued a Letter of Award in

favor of respondent no.4 on 17.07.2023.

4. Learned counsel further submits that the petitioner had approached the respondent department various times from April, 2023 to June, 2025 through email as well as telephonically, but no reply has ever been received from the respondent department. He also submits that till date, the Earnest Money Deposit (EMD) of a sum of Rs.16,000/- deposited by the petitioner has not been returned by the respondent department.

5. On a query by this Court as to why the petitioner has approached this Court after 2 years, learned counsel for the petitioner attempts to explain the delay by stating that the wife of the petitioner was suffering from Dengue and had died on 14.07.2023. Moreover, the minor daughter of the petitioner was also suffering from Ulcerative Colitis-Severe Pancolitis (Cancer) and is presently under treatment.

6. Having heard learned counsel for the petitioner, we are not inclined to interfere in the present petition for the reason that the tender in question was issued by the respondent no.2 in December, 2022; bids were evaluated and the Letter of Award was issued to respondent no.4 on 17.07.2023 and since then, the petitioner, being an unsuccessful bidder, failed to lay a challenge to either its disqualification or the issuance of Letter of Award in favor of respondent no.4, and has approached this Court now, after a lapse of more than 2 years.

7. In the interregnum, for obvious reasons, third party interests have undeniably come to exist and the execution of the said contract is well underway. From a total period of contract of 9 years, 2 years have already elapsed and interfering at this stage would be detrimental not only to respondent no.4 but to public interest as well. Pertinently, it would not be in the public interest to interfere at all. In fact, we are of the opinion that the petitioner ought to be mulcted with costs.

8. Accordingly, while dismissing the present petition, we impose a cost of Rs.15,000/- on the petitioner to be deposited with the Delhi State Legal Services Authority (DSLISA) within a period of 4 weeks, failing which the Registrar General shall recover the same as arrears of land revenue.

9. Pending applications stand disposed of.