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

+ **CONT.CAS(C) 642/2025**

RADHEY KRISHNA TRADERS

.....Petitioner

Through: None.

versus

MOHIT BANSAL DEPUTY

COMMISSIONER R.P. CELL MCD & ORS.

.....Respondents

Through: Mr. Tushar Sannu, Advocate.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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23.03.2026

1. None appears for the petitioner.
2. The present petition has been filed by the petitioner alleging wilful disobedience/non-compliance with the directions contained in the order dated 08.04.2025 in W.P.(C) No. 4388/2025. The same reads as under:

"1. Heard learned counsel for the parties.

2. This Court on 07.04.2025 had passed the following order:

"At the request made on behalf of learned counsel representing the MCD, list on 08.04.2025 to enable him to complete his instructions, especially as to whether the MCD is ready to revisit the impugned decision so far as the blacklisting and forfeiture of the EMD amount is concerned. "

3. Pursuant to the aforesaid order dated 07.04.2025, learned counsel representing the MCD, Mr. Tushar Sannu, on instructions, has submitted that the MCD is ready to revisit the impugned decision so far as the blacklisting and forfeiture of the EMD amount is concerned.

4. This petition is thus disposed of in terms of the aforesaid statement made on behalf of the learned counsel for the MCD. We further provide that till a fresh decision under this order is taken by the MCD, the decision which is under challenge herein shall be kept in abeyance so far as it relates to blacklisting of the petitioner and forfeiture of the EMD amount. We also make it clear that it would be open to the petitioner to take up all the pleas and grounds available to



it under law when the entire matter is revisited by the MCD and for the said purpose it shall be permitted to make a representation within a week.”

3. Compliance affidavit has been filed on behalf of the respondent/MCD wherein it has been stated as under:

3. It is most respectfully submitted that in compliance of this Hon'ble Court direction a hearing was granted to the Petitioner on 17.06.2025 at 11:30 AM. During the course of hearing, the Petitioner reiterated his submissions and submitted his written statement and sought following reliefs, same are reproduced herein below:-

- i. *Handover the Parking Site Defence Colony (as Per New reduced Map) in terms of the bid placed in Tender dated 20.11.2024.*
- ii. *Issue a fresh Offer Letter after calculating the revised monthly license fee as per the reduced ECS, of Parking Site Defence colony and issue fresh offer letter in terms of tender bearing no. AC/RPC/MCD/2024/D-2131 dated 20.11.2024.*
- iii. *Adjust the EMD of Rs. 16,84,532/- towards the deposit to be made as per the new map in terms of office order dated 21.05.2025 passed in this regard.*
- iv. *Readiness and willingness to pay the proportionate MLF of the reduced area from the 8th day of offer letter no. AC/RPC/MCD/2024/d-2598 dated 31.12.2024 subject to adjustment of the already paid off amount by the previous H-1 Bidder.*

Copy of written statement filed by Petitioner before MCD during personal hearing is annexed herein as **Annexure-R1/A**.



4. It is most respectfully submitted that pursuant to the personal hearing granted to the Petitioner, the answering Respondent passed the speaking order dated 08.07.2025 and duly intimated the Petitioner. In the said speaking order, the answering Respondent explained the reasons for not accepting the Petitioner's plea to pay proportionate MLF for the reduced area of the parking site, as offered by the Petitioner. The Petitioner had expressed willingness to pay proportionate MLF on the reduced area of the parking site w.e.f. 8% day from the offer letter dated 31.12.2024. The proportionate amount for the reduced area amounts to Rs. 5,43,634/-. It may be recalled that the revised parking site, after removing parking from the peripheral area of the monument Gol Gumbad, was retendered vide NIT No. 3313 dated 19.03.2025. The highest price bid (H1) received for the revised parking site was Rs. 66,66,666/-, which is substantially higher than the proportionate amount offered by the Petitioner. Even if there is an assumed error and H1 price bid is considered to be Rs. 6,66,666/-, the Petitioner's offered MLF remains significantly lower. The second highest bid (H2) for the revised parking site was Rs. 9,53,777/-, which is also considerably higher than the amount proposed by the Petitioner. As the allotment of parking sites is for a period of three years, this significant difference in amounts is likely to have a cascading adverse financial impact on the answering Respondent/MCD. Copy of speaking order dated 08.07.2025 passed by MCD is annexed herein and marked as **Annexure-R1/B**.

4. The Speaking order dated 08.07.2025 which has been passed by the



respondent/MCD pursuant to the aforesaid, has also been filed. The same reads as under:

MUNICIPAL CORPORATION OF DELHI
(REMUNERATIVE PROJECT CELL)

File No. K-154/97/2025- RP Cell **596**

Dated: 07.07.2025

Order

Whereas, the parking site namely Defence Colony Market near Gol Gumbad was floated for e-tender in the NIT No. 2131 dated 20.11.2024 with ECS of the said parking site as 303-4W and 127-2W and RMLF as Rs. 9,35,851/-. M/s Radhey Krishna Traders (Proprietor Shri Dinesh Kapoor) was H-1 by quoting an MLF of Rs.19,36,999/- for the aforesaid site. Accordingly, an offer letter was issued to M/s Radhey Krishna Traders on 31.12.2024 to fulfil the terms and conditions within seven days to get the allotment of the said site.

And whereas, the M/s Radhey Krishna Traders failed to comply with terms and conditions of the offer letter and hence a Show Cause Notice was issued to him on 16.01.2025. The offer of the aforesaid site was withdrawn, EMD was forfeited and M/s Radhey Krishna Traders was blacklisted vide order dated 18.02.2025 in absence of justified reasons shown by the bidder against the Show Cause Notice.

And whereas, subsequently Hon'ble Supreme Court of India (in SLA No. 12213/2019 Rajiv Suri vs. Archaeological Survey of India) directed the Corporation to remove the parking from the peripheral area of the monument (i.e. Gol Gumbad) which was then removed and deleted from the authorised parking site and resultantly ECS and RMLF were reduced to 90:4W 26:2W and Rs. 3,58,353/- respectively. Accordingly, the revised map site was put in e-tender vide NIT no. 3313 dated 19.03.2025 with fresh name as Defence Colony Market.

And whereas, M/s Radhey Krishna Traders thereafter filed a W.P.(C) 4388/2025 against Municipal Corporation of Delhi for being aggrieved with the decision dated 12.02.2025 vide which his Earnest Money Deposit was forfeited and he was debarred from participating in future tenders of MCD. Accordingly, petitioner prayed for the following:

- (i) restoration of previous offer as per NIT No. 2131 by handing over the site to him,
- (ii) withdrawal of said site from the e-tender and
- (iii) cancellation of blacklisting.

Whereas, in the aforesaid W.P.(C) 4388/2025, vide court order dated 07.04.2025 and 08.04.2025, MCD agreed to revisit the impugned decision so far as to blacklisting and forfeiture of EMD is concerned. The order also allowed the petitioner to file a representation to the Corporation within a week. As per this representation dated 09.04.2025 he expressed his readiness and willingness to take over this site and made following requests:

- a. To forthwith set aside/withdraw the letter dated 18.02.2025 regarding forfeiture and blacklisting.



- b. To withdraw the parking site "Defence Colony Market from NIT No. 3313 dated 19.03.2025 by issuing a corrigendum at the earliest.
- c. To handover the parking site Defence Colony (as per New reduced map) to the contractor in terms of the bid placed by him in the NIT no. 2131 dated 20.11.2024.
- d. To issue a fresh offer letter in terms of tender bearing no. AC/RPC/MCD/2024/D-2131 dated 20.11.2024 as per reduced ECS of parking site and adjust the EMD of Rs. 16,84,432/-.
- d. To issue a fresh offer letter in terms of tender bearing no. AC/RPC/MCD/2024/D-2131 dated 20.11.2024 as per reduced ECS of parking site and adjust the EMD of Rs. 16,84,432/-.

And whereas, the MCD vide order dated 21.05.2025 withdrew the blacklisting and forfeiture of EMD of the contractor M/s Radhey Krishna Traders. The revised site was placed under NIT No. 3313, new H-1 bidder M/s Manoj Enterprises was discovered for the said parking site with a new MLF @ 66,66,666/- but the tender was failed.

And whereas, a Contempt Petition vide Cont.Case (C) 642/2025 was filed before the Hon'ble High Court of Delhi stating that issue no. (i) with respect to W.P.(C) 4388/2025 is still in abeyance. Accordingly, the Hon'ble Court directed that MCD shall take a decision in this regard considering the order by the Division Bench of this Court on 08th April 2025. It also granted an opportunity to the petitioner to seek a hearing in the matter.

And whereas, a personal hearing was granted to M/s Radhey Krishna Traders (Prop. Dinesh Kapoor) on 17.06.2025 at 11:30 a.m. During the personal hearing, the petitioner reiterated his previous submissions and submitted his written statement seeking following reliefs in respect of said parking site:-

- i. *Handover the Parking Site Defence Colony (as Per New reduced Map) in terms of the bid placed in Tender dated 20.11.2024.*
- ii. *Issue a fresh Offer Letter after calculating the revised monthly license fee as per the reduced ECS, of Parking Site Defence colony and issue fresh offer letter in terms of tender bearing no. AC/RPC/MCD/2024/D-2131 dated 20.11.2024.*
- iv. *Adjust the EMD of Rs. 16,84,532/- towards the deposit to be made as per the new map in terms of office order dated 21.05.2025 passed in this regard.*
- v. *Readiness and willingness to pay the proportionate MLF of the reduced area from the 8th day of offer letter no. AC/RPC/MCD/2024/d-2598 dated 31.12.2024 subject to adjustment of the already paid off amount by the previous H-1 Bidder.*



Whereas, the petitioner offered his willingness to pay proportionate MLF on the reduced area of the aforesaid parking site w.e.f. 8th day from the offer letter dated 31.12.2024. The said proportionate amount for the reduced area comes to Rs. 5,43,634/-. It may be recalled that the revised parking site (after removing parking from peripheral area of the monument Gol Gumbad) was retendered vide NIT No. 3313 dated 19.03.2025 and the H1 price bid received for the said revised parking site was Rs. 66,66,666/- which is many times higher than the proportionate amount being offered by the petitioner. It is less even if H1 is considered as Rs. 6,66,666/- assuming error. Even the H2 price bid received for the said revised parking site was Rs. 9,53,777/- which is also much higher than the petitioner's

offered MLF price. Since the allotment of the parking sites is done for three years, this difference will have cascading adverse financial impact on MCD.

And whereas, the MLF can only be discovered by fresh tender in which new parking area is mentioned after deducting the area of Gol Gumbad as per order dated 18.02.2025 of Hon'ble SC in SLA No. 12213/2019. Acceptance of the offer given by petitioner will be against the financial prudence and against the financial interest of MCD. Therefore, MCD is retendering this parking site. In the fresh tender anyone including petitioner can participate. So there is no bias against the petitioner. The petitioner has no inherent right to get the parking license.

And therefore, the prayer of the petitioner to accept proportionate MLF offered by him has no merit and hence rejected. The petitioner can participate in the forthcoming e-tender of this parking site as per terms and conditions of the NIT.

This issues with the approval of the competent authority.

To,

M/s Radhey Krishna Traders (Proprietor Shri Dinesh Kapoor)


Additional Commissioner,
R.P. Cell, MCD
LEELA DHAR MEGHWAL
I.R.R.S.
Addl. Commissioner (M.C.D.)

5. In the circumstances, no further orders are required to be passed in the present petition and the same is, accordingly, disposed of.

6. Needless to say, all legal rights and remedies of the petitioner are reserved.

SACHIN DATTA, J

MARCH 23, 2026/at