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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1853/2018

VITAL HEALTH CARE PVT LTD

..... Petitioner

Through: Mr. M.K.Sharma Adv.

versus

CENTRAL MEDICAL SERVICES SOCIETY & ANR

..... Respondents

Through: Mr. Rishi Kant Singh Adv. for R1

Mr. Rajesh Gogna CGSC, Mr.

Upendra Sai, Mr. Kamaldeep, Adv.
for UOI

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **11.09.2019**

CM 36921/2019(Exemption)

Exemption allowed, subject to all just exceptions.

CM 36920/2019(For restoration)

By this application, the petitioner seeks restoration of the petition which was dismissed vide order dated 25.07.2019.

The said order was passed not only on the ground of the petitioner's non-appearance, but also recorded the submissions of the learned counsel for the respondents as under:-

“3. The learned counsel appearing for the respondent states that by a letter dated 16.01.2018, the letter of acceptance with regard to the petitioner's offer was cancelled. He states that, thereafter, the contract had been awarded to another contractor and the contract has been fully



performed. He submits that in this petition, no relief can be granted to the petitioner.”

Admittedly, the tender of the petitioner was cancelled by the respondent no.1 on the ground that the Chhattisgarh Medical Services Corporation Ltd. (CMSCL) and Kerala Medical Services Corporation Ltd.(KMSCL) had blacklisted the petitioner and the fact of the blacklisting had not been disclosed by the petitioner in its tender documents.

On an enquiry being made, the learned counsel for the petitioner submits that the blacklisting by the CMSCL has been challenged by the petitioner, however, the said order is still in operation. As far as the blacklisting by the KMSCL is concerned, the learned counsel for the petitioner submits that the same has not been challenged by the petitioner.

In view of the above fact and due to the blacklisting order(s) still being in operation, I see that no useful purpose being served by restoring the present petition. The application is, therefore, dismissed.

NAVIN CHAWLA, J

SEPTEMBER 11, 2019/hk