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

+ **W.P.(C) 3905/2015**

DIN BANDHU DASS

..... Petitioner

Through: Mr Joydeep Sarma and Mr Harish Shukla, Advocates.

versus

**AIRPORTS AUTHORITY OF INDIA AND
ORS.**

..... Respondents

Through: Mr Digvijay Rai and Mr Kustubh Singh, Advocates for R-1/AAI.
Ms Milanka Chaudhury and Ms Mr Abhilasha Singh, Advocates for R-2/DIAL.
Mr Vivek Goyal, CGSC for UOI.
Dr Ashwin Hardwar with Ms Babita Jha, Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.01.2019

1. One of the principal questions involved in the present petition is whether respondent no.2 (DIAL) is required to award contracts by open bidding process. It is DIAL's contention that it is not required to follow an open bidding process for contracts with value less than ₹50 cores. It is in this view, DIAL states that it has limited the bidding process by issuing RFP to only bidders as determined by them.
2. In this regard, respondent no.1 (Airport Authority of India – AAI) was called upon to file an affidavit clearly disclosing its stand. The AAI has



filed an affidavit affirming that DIAL has carried out a bidding process. However, this affidavit does not answer the question whether the DIAL is required to carry out an open bidding process (and not limited to select bidders called upon to bid by invitation) for all contracts irrespective of whether the value of the contract is less than ₹50 crores or not. The AAI is directed to file an affidavit, unequivocally placing its stand on the aforesaid question, before this Court.

3. The Union of India is also impleaded as a party to the present petition. Mr Kirtiman Singh, standing counsel for UOI is present and, on request, accepts notice on behalf of the UOI through Secretary, Ministry of Civil Aviation. Let an amended memo of parties be filed within a period of one week from today.

4. The newly impleaded respondent (UOI) shall file an affidavit clearly stating its stand on the aforesaid question. The UOI is also directed to file copies of relevant extract of any report or observations made by the CAG in this regard.

5. Let the affidavits along with the said documents be filed within a period of two weeks from today.

6. List on 13.02.2019.

7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 11, 2019
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