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

+ W.P.(C) 6648/2021

MS LAXMI AGENCY MIRA ENERGY  
RESOURCES PVT LTD

..... Petitioner

Through: Mr. Rohit Rathi, Advocate.

versus

ENERGY EFFICIENCY SERVICES LTD

..... Respondent

Through: Mr. Samdarshi Sanjay, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**16.07.2021**

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**C.M. Nos. 20919/2021, 20920/2021 & 20921/2021**

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

**W.P.(C) 6648/2021 and C.M. No. 20918/2021**

The submission of learned counsel for the petitioner is that even though the criteria prescribed in the tender in relation to the average annual turnover requirement was that the "*bidder should have average annual turnover (ATO) as per Table-2 below for any three years out of the last four years, i.e. 2016-17, 2017-18, 2018-19 & 2019-20*" and the petitioner had provided the data for the said four financial years, the respondents have conveniently looked at the average annual turnover of the last three years,

i.e. 2019-20, 2018-19 & 2017-18. The submission of the petitioner is that if the annual turnover of the petitioner for the financial year 2016-17 had been considered in place of 2019-20, it would meet the average annual turnover criteria. Prima-facie, we find merit in the submission of the petitioner.

Issue notice. Learned counsel for the respondent accepts notice. He wishes to file reply. Let the same be filed within ten days. Rejoinder, if any, be filed before the next date.

List on 12.08.2021.

In the meantime, the tendering process shall not be finalised by the respondents.

**VIPIN SANGHI, J**

**JASMEET SINGH, J**

**JULY 16, 2021**

*B.S. Rohella*