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

+ W.P.(C) 9643/2017 & CM No. 39251/2017

NIPUN MALHOTRA

..... Petitioner

Through : Mr. Jai Dehadrai and
Ms. Shivangini Gupta, Advs.
with petitioner in person

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through : Mr. Sanjoy Ghose, ASC-
GNCTD with Ms. Urvi
Mohan, Adv. for R-2
Ms. Avnish Ahlawat and
Ms. Palak Rohmetra, Advs.
for R-DTC
Ms. Slomita Rai for Mr.
Mohinder J.S. Rupal, Adv.
for University of Delhi
Mr. Shiv Kumar, Adv. for
R-5/DMRC with Mr. A.S.
Kulshrestha
Professor Maharaj K. Pandit
in person

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **13.12.2017**

CM No.45375/2017 (delay in filing)

1. Notice.

Heard learned counsels for the parties on this application.

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2. For the reasons stated, delay in filing the amended memo of parties is condoned.

The application is disposed of.

W.P.(C) 9643/2017

3. Amended memo of parties is taken on record.

4. An affidavit dated 11th December, 2017 has been filed by the respondent no.4 under the signatures of Mr. Subodh Kumar posted as Deputy Commissioner, Department of Transport with the Government of NCT of Delhi. This affidavit refers to tenders issued in 2006; March, 2013; 4th October, 2013 and 30th June, 2014 for low floor buses. The affidavit states that at each time a singular bid was submitted by M/s Tata Motors Ltd. which was not accepted that the prices quoted were “unrealistic, exorbitantly high, unreasonable and unjustifiable rates for buses and AMC charges”. The affidavit discloses no basis for such an assessment or evaluation. The Govt. of NCT of Delhi also does not make reference to any other manufacturer of buses who would be in a position to supply low floor buses.

5. We are orally informed by Ms. Avnish Ahlawat, learned counsel for the DTC that pursuant to the steps taken for acquisition of low floor buses in 2008, M/s Ashok Leyland had tendered and supplied low floor buses.

6. On an oral request of Mr. Jai Dehadrai, learned counsel for the petitioner, we permit impleadment of Ms. Preeti Singh who is also a person with disability as party/petitioner no.2.

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7. All parties who are present as well as the experts appointed by us agree that it is essential to have low floor buses to improve air quality and to ensure mobility to the disabled persons.

8. The respondents do not disclose any basis for assessing the quotations by the bidders as unrealistic, unreasonable or unjustifiable.

9. A request is made by Mr. Jai Dehadrai, learned counsel for the petitioner that this is an extremely serious matter and emergency measures need to be undertaken not only for ensuring the facilities to the passengers but also keeping in view the impact of lack of public transport on the environment and the pollution levels in the city. He prays that in order to enable this court to get the complete facts before this court, Tata Motors Ltd. and M/s Ashok Layland who seem to be the only two manufacturers of low floor buses in Delhi, be impleaded as parties/respondent nos. 9 and 10. We are informed that they were called to court earlier in the previous litigation relating to acquisition of buses by the Delhi Transport Corporation.

We, therefore, direct impleadment of these two companies as respondent nos. 9 and 10.

10. Unfortunately, notices in terms of our last order could not be issued for the service of newly added respondent nos.8/DDA and respondent no.5/DMRC.

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11. Mr. Shiv Kumar, learned counsel who represents DMRC and Mr. Sanjeev Sabharwal, learned St. Counsel for the DDA, both happen to be present in other matters in this court are directed to accept notice for both the parties. Let copies of the paper book be made available to both of them.

12. Subject to the petitioner taking steps, notice shall issue for the service of the newly added respondent nos. 9 and 10, returnable on 22nd January, 2018.

13. List this petition on 22nd January, 2018 at 12.30 p.m.

Dasti under signatures of the Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 13, 2017/kr

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