

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**CWP No. 13716 of 2025
Decided on : 02.07.2026**

Marsh India Insurance Brokers Private Limited

...Petitioner

Versus

State of Himachal Pradesh and another

...Respondents

Coram

**The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.**

Whether approved for reporting?¹

For the petitioner : Mr. Shrawan Dogra, Senior Advocate, with Ms. Bhanvi Negi, Advocate.

For the respondents : Mr. Arsh Rattan, Deputy Advocate General, for respondent No.1.
Mr. Hamender Singh Chandel, Advocate, for respondent No.2.

G.S. Sandhawalia, Chief Justice (Oral)

The petitioner is seeking quashing of the disqualification dated 10.03.2025 (Annexure P-1), issued by the respondents in respect of Tender No. HPPCL-SKHEP-PnC-e-NIT-2024-25-Tender-12. The other prayer has been made to initiate the bidding process afresh, in accordance with law and to permit the petitioner to participate in the same. The said prayer as such, has become infructuous, keeping in view the submission made by the learned Senior Counsel on 25.09.2025 that he does not wish to challenge the allotment made to the successful bidder

¹ Whether reporters of the local papers may be allowed to see the judgment?

and is only aggrieved against the disqualification on account of not meeting the criteria of Annexure III Blacklisting Declaration Form.

2. It is, thus, the case of the petitioner that if a proper show cause notice had been issued, the petitioner would have been in a position to explain that the earlier penalty imposed upon him vide order dated 14.10.2024 (Annexure P-5), was a subject matter of appeal and it would not have been a disqualification as such, keeping in view the fact that the petitioner had to give a requisite undertaking as per the proforma of the tender documents, as given at Page No. 112, which was Blacklisting Declaration Form.

3. It is, thus, submitted that the declaration had rightly been made, pointing out the fact that an appeal had been preferred before the Securities Appellate Tribunal, Mumbai (for short 'SAT'), challenging the IRDAI order dated 14.10.2024. Vide order dated 10.12.2024 (Annexure P-6), the SAT had admitted the appeal and stayed the said order and, therefore, the clarification had been given that the penalty would be in abeyance until the final determination of the appeal.

4. It is in such circumstances that the learned Senior Counsel submits that he is only concerned about the adverse effect of the Blacklisting Declaration Form and is not concerned

about the merits of the tender issued, of which he was never a successful bidder.

5. On the other hand, counsel for respondent No.2 submits that as per the information given in the Pre-Bid Conference, which was the only physical aspect of the tender process, which took place on 28.02.2025, no clarification was given and, therefore, the petitioner had been disqualified from taking further part in the said tender process.

6. In the reply filed by respondent No.2, it has not been held out at any stage that the petitioner had been blacklisted and, therefore, the argument, which is now being sought to be raised, is not liable to be gone into. Rather, paragraph No.5 of the reply of the said respondent, would go on to show that the plea taken is that there is no provision for issuance of show cause notice to a party and the bid of the petitioner was found to be non-responsive on account of not conforming to the conditions of the Tender Document. Thus, the stand of the respondent is that the order of disqualification is not, in any manner, amounting to blacklisting.

7. In such circumstances, we feel that there is no further consideration to be done, once the stand of respondent No.2 is that the blacklisting had not been done. The said stand also satisfies the learned Senior Counsel.

8. Accordingly, the present petition is disposed of, by

taking on record the stand of respondent No.2. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 02, 2026
(*Shivank Thakur*)