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

% *Date of Decision : 24.08.2026*

CNR No. DLHC010395862026

+ **W.P.(C) 12305/2026 CM APPL. 56990/2026 CM APPL. 56991/2026**

MS PSH INFRA TECHNO AND ADECO JV Petitioner
Through: **Mr. Anurag Chopra and Mr. Vardaan Seth, Advocates**

versus

THE NATIONAL CAPITAL REGION TRANSPORT CORPORATION LIMITED Respondent
Through: **Mr. Rajesh Katyal, Advocate**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO , J. (ORAL)

CM APPL. 56991/2026 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 12305/2026 & CM APPL. 56990/2026

3. This petition has been filed with the following prayers:-

“i) Issue a writ, order or direction, especially a writ in the nature of Certiorari for quashing/setting aside Clause No. 2.4.2(d) of the NIT to the extent it mandates possession of an ‘A’ Class/EHT Electrical Contractor License issued by the Government of Haryana specifically in favour of the Lead Partner of the Joint Venture;



ii) Issue a writ in the nature of Mandamus directing the Respondent to consider and open the technical bid of the Petitioner after taking into consideration the EHT Electrical Contractor Licenses issued by the Governments of Delhi, Gujarat and Uttar Pradesh in favour of the Lead Partner, M/s PSH Infra Tech Pvt. Ltd., as well as the 'A' Class Electrical Contractor License dated 10.03.2022 issued by the Government of Haryana in favour of M/s ADECO Energy India Pvt. Ltd., being the Joint Venture Partner;

iii) Issue a writ in the nature of Mandamus directing the Respondent to Re-tender in respect of the present Tender Enquiry;

iv). Issue a writ, order or direction, especially a writ in the nature of Certiorari, quashing and setting aside the Technical Bid Evaluation/Technical Summary dated 19.08.2026 insofar as it declares the Technical Bid of the Petitioner non-responsive

v) Direct the Respondent to keep the Finalisation of Tender Process in abeyance during the pendency of the present petition;

vi) Restrain the Respondent from proceeding further with the tender process and/or awarding the work pursuant to the NIT dated 12.02.2026, during the pendency of the present petition;

vii) Dispense with the issuance of advance notices;

viii) Dispense with the filing of certified copies of all Annexures;

ix) Permit the Petitioner to place on record the photocopies of all Annexures;

ix) Award the cost of the petition in favour of the Petitioner; and

x) Pass any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."



4. In effect, the petitioner is challenging the clause in the bid document, which stipulates that the bidder must hold a valid 'A' Class/EHT Electrical Contractor License issued by the Government of Haryana specifically in favour of the Lead Partner of the Joint Venture. The tender in the present case was issued on 12.02.2026.

5. The submission of Mr. Anurag Chopra, learned counsel for the petitioner, is that the petitioner had, *vide* representation dated 11.02.2026 in a similar tender having the same disputed clause, raised its grievance regarding the restrictive clause and sought relaxation thereof. Further, a representation dated 13.05.2026 was also submitted by the petitioner requesting consideration of its bid. He states that the said representations remained unanswered till 19.08.2026, when the bid was rejected as non-responsive.

6. We may at the outset note that two writ petitions being W.P.(C) 11832/2026 and W.P.(C) 11833/2026, filed before this Court, involving identical issues, have already been dismissed *vide* order dated 17.08.2026, for the reasons stated in paragraph '7' onwards of the order, which we reproduce as under:-

"7. We are not in agreement with the said submission of Mr. Sharma, for the simple reason that atleast on 06.02.2026, the petitioner was in the knowledge about the restrictive stipulation, i.e., Clause No. 2.4.2(d) that a bidder must have a 'A' Class/EHT Electrical Contractor Licence issued by Government of Haryana. Concedingly, the petitioner doesn't possess the certificate as is required in terms of the IFB.

8. Appropriate was, that the petitioner should have challenged the validity of the said stipulation before the Court. Having not done that immediately after 06.02.2026 and even



after 13.05.2026, it is too late in the day for the petitioner to file the present petition incorporating the prayers of which a reference has been made above, including challenging the validity of Clause No. 2.4.2(d) of the IFB.

9. *Moreover, we have been informed by Mr. Rajesh Katyal, learned counsel for the respondent, that in W.P.(C) 11832/2026, the technical bids have been opened and the petitioner's bid has been declared 'non-responsive'. In so far as W.P.(C) 11833/2026 is concerned, the financial bids have also been opened and LOA has also been issued to the successful party(s).*

10. *In view of the above, we do not see any reason to interfere with the impugned action of the respondent no. 1, accordingly, the petitions are dismissed along with pending applications."*

7. Mr. Chopra seeks to distinguish the present petition from the aforesaid writ petitions by contending that, in the present case, the respondents neither responded to the representations submitted by the petitioner nor took any adverse decision till 19.08.2026, when the technical bid of the petitioner was rejected. It is, therefore, submitted that the present petition cannot be dismissed on the ground of delay and laches.

8. Mr. Rajesh Katyal, learned counsel for the respondent submits that with regard to the present tender requirements, the queries raised by the bidders with respect to the restrictive clause, i.e., a bidder must have a valid 'A' Class Certificate from the State of Haryana, were answered after seeking clarification from Haryana Vidyut Prasaran Nigam Limited ('HVPNL'), which has insisted that the bidder must hold valid 'A' Class/EHT License of Haryana to ensure that the contractor executes the work timely.

9. He also draws our attention to the documents, which have been put on



the portal, to contend that the condition with regard to the possession of 'A' Class/EHT License of Haryana was made clear to all the bidders, and it was expressly stated that the bidders must follow the bid conditions.

10. From the above, it is clear that all the bidders were duly informed on the portal about the aforesaid stipulation that every bidder must possess a valid 'A' Class/EHT License of the State of Haryana must be strictly followed.

11. If that be so, the submissions advanced on the ground that the respondent did not respond to the representations of the petitioner till the time of technical rejection of the bid, which has been undertaken only on 19.08.2026, does not impress upon us to entertain the petition.

12. That apart, we find from Annexure P-2 of the paper book, which is the bid document submitted by the petitioner, that the petitioner has clearly stated that it has downloaded the complete set of bidding documents including all addenda/corrigenda/clarifications along with the set of enclosures issued up to the deadline for the submission of the bid on the e-procurement portal and having examined the same, they have no reservations to the bidding documents including such addenda/corrigenda/clarifications issued in accordance with the instructions to bidders.

13. In view of these facts, we are of the view that the petitioner having submitted the bid, pursuant to which it has been treated as non-responsive on technical grounds, it is now too late for the petitioner to approach this Court by way of this writ petition.

14. On the foregoing discussion and for parity of reasons, we dismiss the



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present writ petition. Pending applications, if any, are disposed of as infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

AUGUST 24, 2026/rhc