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

+ **W.P.(C) 2307/2018 & CM APPL. 9616/2018**

SHIV KRC JV Petitioner
Through **Mr. Kuldeep Balhara, Adv.**

versus

**THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
AND ANR.** Respondents
Through **Ms. Monika Arora, CGSC with
Mr. Harsh Ahuja, Adv. for R-1.
Ms. Kanika Tandon and Ms. Madhu
Sweta, Advs. for R-2.**

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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13.03.2018

The petitioner's grievance is that its bid in response to National Highway Authority of India's (NHAI) Request for Proposal (RFP) for Rehabilitation and Upgradation of Jhajjar-Loharu Section was wrongly not accepted. It is contended that since the petitioner could not furnish the on-line bid complete in all respects on 08.03.2018, it sought to avail the opportunity of furnishing a hard copy of tender documents the next day. The deadline was 11 am on 09.03.2018. It is submitted that the petitioner's authorized representative or attorney was present well before the deadline but the bid was not entertained because, by the time, the attorney was allowed to submit the tender documents, it was 11.03 am. It is contended that in the circumstances,

since no prejudice would be caused to any other party or bidder nor even to the public agency, the technical bid of the petitioner ought to be accepted and a direction to that effect be issued.

The Court is of the opinion that the assertion as to whether the petitioner's representative or attorney was indeed present and what prevented him from furnishing the bid before the deadline, are the issues that cannot be gone into the writ proceedings. As far as the contention with regard to the petitioner's eligibility and that no prejudice would be caused to any other party or any bidder is concerned, the Court is of the opinion that such argument too is un-merited. The rationale for prescribing the deadline is that both the agency and the interested parties adhere to it.

For the above reasons, it is held that there is no merit in the petition. It is accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MARCH 13, 2018

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