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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1640/2023 & CM APPL. 6260/2023**
MTECH INNOVATIONS LIMITED & ANR.Petitioners

Through: Mr. Narendra M. Sharma, Ms.
Shubhangi Tiwari and Ms. Suhana
Sathiya Narayan, Advocates.

Versus

UNIQUE IDENTIFICATION AUTHORITY OF INDIA
.....Respondent

Through: Ms. Tanu Priya Gupta, Ms. Aiswarya
S. and Ms. Khushi Sharma,
Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
20.11.2024

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1. The Petitioners participated in Request for Proposal¹ dated 21st January, 2022 floated by the Respondent, calling for Print Service Providers² for Printing of Aadhar PVC Cards. The eligibility criteria delineated in the tender document, provides the Pre-Qualification Criteria as well as the Technical Evaluation Criteria of the tender.
2. The evaluation for Pre-Qualification Criteria is based on information/ documents provided by the bidders such as Certificate of Incorporation,

¹ "RfP"

² "PSP"



certified copies of audited financial statements and annual reports for three financial years – i.e., 2018-2021 as well as Income Tax Returns filed by the entity etc. As per the tender conditions, bidders who were successful at the Pre-Qualification Criteria were requested to make a presentation to the Respondent showcasing their capacity, capability and technical competence. Thereafter, the members of the Technical Evaluation Committee conducted physical verification of the site as well as the stated capacity and capability of the successful bidders. On the basis of such bid information/documents furnished by the bidders as well as the presentation and site visit of the Technical Evaluation Committee, marks are awarded to the bidders out of a total of 100 marks and only the bidders with minimum of 70 marks, are declared as Technical Qualified and considered for Commercial Evaluation.

3. The Petitioner participated in the aforementioned tender floated by the Respondent, however, *vide* communication dated 29th June, 2022, they were informed that their bid was technically disqualified as they failed to secure the minimum qualifying score of 70 marks out of 100.

4. At the outset, Mr. Narendra M. Sharma, counsel for Petitioners, states that the Petitioners do not intent to take any further legal action pertaining to the tender in question, however, he urges that through the instant writ petition the limited relief sought is for the disclosure of the marks awarded to the Petitioners, so that the Petitioners can make improvements in order to meet the eligibility requirements for future tenders.

5. On the other hand, Ms. Tanu Priya Gupta, counsel for Respondent, strongly opposes the request made by the Petitioners. She urges that Paragraph No. 7.1.1 of the Manual of Procurement of Goods, 2017 issued by



the Department of Expenditure, Ministry of Finance, Government of India³, explicitly states that “information relating to evaluation of tenders and the Tender Committee’s (TC’s) deliberations should be confidential and not be shared with persons not officially connected with the process”. Further, she relies on Paragraph No. 7.5.13 of the Manual which states that all technical, commercial and finance officials who contribute to the techno-commercial or financial evaluation of bids, should maintain confidentiality of the information processed during the evaluation process and not allow it to reach any unauthorised person. Therefore, Ms. Gupta submits that the respondent is duty bound to not disclose the information sought by the Petitioner.

6. The Court has heard the contentions of the parties. In the opinion of the Court, the disclosure of the marks of the Petitioners would only assist the Petitioners to make improvements for future tenders and does not indicate the deliberations of the Technical Evaluation Committee. Furthermore, the disclosure of information as sought is not with respect to any third party. The evaluation is based on the information/documents, presentation and site visit of the Petitioner’s facility. Thus, in the opinion of the Court, the Petitioners’ request for disclosure of the marks is genuine and reasonable.

7. Accordingly, the present writ petition is disposed of with a direction to the Respondent to disclose the marks scored by the Petitioners during technical evaluation as per the bifurcated weightage awarded to different criteria appearing at Table 2 Part III of Section II of the RfP, within a period of four weeks from today. It is clarified that the Respondent has only been directed to disclose the marks and nothing else.

³ “Manual”



8. With the above directions, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

NOVEMBER 20, 2024

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