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

+ **W.P.(C) 3159/2024 & C.M.Nos.12995-12996/2024**

JSC IA VOZROZHDENIE

..... Petitioner

Through: Mr.Jayant Mehta, Sr.Advocate with
Mr.Amrit Singh, Mr.Adarsh Kumar
Gupta and Mr.Vishal Gupta,
Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr.Vikram Jetly, CGSC with
Ms.Shreya Jetly and Mr.Abhishek
Khanna, Advocates for R-1.
Mr.Digvijay Rai with Mr.Archit
Mishra and Mr.Abhishek Khanna,
Advocates for R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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01.03.2024

1. Present writ petition has been filed by the petitioner seeking a direction to the respondents to grant an opportunity of hearing to the petitioner while processing its technical bid qua tender notice ID.2023_AAI_177182_1 dated 15th December, 2023 for Construction of Integrated Terminal Building, Cargo Terminal, ATC Tower cum Technical Block, Fire Station Building with Fire Control Tower including Ancillary Buildings like Office Building, Maintenance Building, Security Building, Sub-Station Building, A/C Plant, Pump Room, MT Pool cum Workshop etc., City and Air side Development around Buildings, Car Parking etc. and other associated works at Hisar Airport.



2. Learned senior counsel for the petitioner states that the respondents have acted in an arbitrary and illegal manner by rejecting the bid of the petitioner in three tenders recently (i) Tender for development of Lal Bahadur Shastri International Airport, Varanasi; (ii) Tender for development of New Civil Enclave at Darbhanga, Bihar; and (iii) Tender for Agra. He states that in all three tenders, the respondents have raised the query regarding Manor House constructed by the petitioner being a residential complex and rejected the technical bid of the petitioner along with its JV partner. He further states that the refusal to accept the authenticity of a document translated and notarised by the Indian Embassy in St. Petersburg tantamounts to the respondents acting in an arbitrary manner, without respecting the authority of the Indian Government itself.

3. He states that the respondent no. 2 has stated, “Also, the work experience i.r.o complex of Manor House and park facilities, it is seen that the project executed is residential type which is not falling in category mentioned in the NIT. Supporting documents required to be submitted justifying similar work mentioned in the NIT”. He states that the said query is incorrect, and a detailed reply to this exact query raised by the Respondent No.2 in another Tender (Tender ID: 2023_AAI_177305_1, for “Development of Lal Bahadur Shastri International Airport, Varanasi) had already been furnished. He states that the petitioner has time and again reiterated that the term “Complex of Manor House and Park” denotes a facility containing an administrative building, a museum, and a commercial park of historic significance. The reliance by the respondent no.2 on the word “House” to conclude that it is a residential building is wholly unjustified, since the term “Manor House” has been translated from Russian to English. During the course of translation, the original Russian term has



come to be translated as Manor House, although the term denotes administrative centre of a manor in the European feudal system. He contends that respondent no. 2 has acted in an arbitrary and mechanical manner in not accepting the said submission, without even conducting a factual inquiry into the nature of “Manor House.”

4. Learned counsel for respondent no.2, who appears on advance notice, on instructions states that the petitioner’s bid was rejected on the sole ground that the petitioner did not meet the technical criteria stipulated in the Request For Proposal (‘RFP’). He however, states that in the peculiar facts of the present case, the petitioner shall be given an opportunity of hearing at the time of technical evaluation of the bids.

5. Learned senior counsel for the petitioner is satisfied with the aforesaid statement.

6. Keeping in view the aforesaid and the peculiar facts of the present case, this Court disposes of the present writ petition along with the applications with a direction to respondent no.2 to give an opportunity of hearing to the petitioner at the time of technical evaluation of the bids. This Court clarifies that it has not commented on the merit of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 1, 2024
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