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

+ **W.P.(C) 4838/2024 & CM APPL.19755/2024**

VRC CONSTRUCTIONS INDIA PVT LTD

..... Petitioner

Through: Mr.Aayush Agarwala, Advocate with
Mr.Anuj P.Agarwala and
Ms.Bhumika Sharma, Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA

..... Respondent

Through: Mr. Santosh Kumar, Advocate with
Mr.Adithya Ramani Advocate.

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Date of Decision: 03rd April, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present petition has been filed challenging the annulment of tender dated 14th March, 2024 for '6 -laning with both sides Service Road of Ayodhya Nagar Bypass of Bhopal city section of NH-46 from Design Km 0.000 near Ashram Tiraha to Design Km 16.439 at Ratnagiri Tiraha (Design Length - 16.439 Km) under NH (O) in the State of Madhya Pradesh on Hybrid Annuity Mode (Tender ID: 2023 NHA1 169732_1)' (hereinafter referred to as the '*Old Tender*') in which the Petitioner was declared the lowest bidder. The Petitioner also challenges the new Notice Inviting Bid

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dated 14th March, 2024 issued by Respondent.

2. Learned counsel for the Petitioner states that Respondent issued a Notice Inviting Bid for the Old Tender on 05th October, 2023 and the estimated project cost was set out to be Rs.1079.25 crores. He states that vide Corrigendum VI issued on 20th February, 2024, the last date for submission of bid was extended to 27th February, 2024 against the estimated price of Rs. 1048.56 crores.

3. He states that after fulfillment of the bid opening requirement and compliance with the Technical Bid Qualification and CQ Clarifications, the financial bid of the Petitioner was opened on 09th March, 2024. He states that the relevant documents that were to be submitted were filed with the Respondent on 11th March 2024.

4. He states that the Petitioner was declared as the lowest bidder with a bid price quote of Rs. 861.46 crores, i.e. 17.85% below the estimated project cost. He states that on 14th March, 2024, the Petitioner duly submitted all the original physical documents and was awaiting the letter of award.

5. He also states that the Respondent abruptly annulled the tender vide Annulment notice dated 14th March, 2024 without assigning any reason whatsoever. He states that on the same day itself, the Respondent issued a new Notice Inviting Bid being NHAI/HQMP/Ayodhya Nagar Bypass/2024 seeking identical RFP for the same Ayodhya Bypass section.

6. He states that the Petitioner sent a letter dated 15th March, 2024 to the Respondent requesting it to review the decision of annulment and to award the tender to the Petitioner. However, no response has been received from the Respondent.



7. Keeping in view the aforesaid, the present writ petition along with application is disposed of with a direction to the Respondent to decide the Petitioner's representation/letter dated 15th March, 2024 by way of a reasoned order in accordance with law within a week. The rights and contentions of all the parties are left open. This Court clarifies that it has not commented on the merits of the controversy. In the event the Petitioner is aggrieved by the decision taken by the Respondent, it shall be open to the Petitioner to file appropriate proceedings in accordance with law.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 3, 2024/TS

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