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

+ W.P.(C) 9816/2024, CM APPL. 40240/2024 & CM APPL. 40241/2024

SHIVAM DHALL

.....Petitioner

Through: Ms. Vanya Gupta, Advocate

versus

**NATIONAL HIGHWAYS LOGISTICS
MANAGEMENT LIMITED**

.....Respondent

**Through: Mr. Santosh Kumar Advocate and
Ms. Nidhi Rani Advocate**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

**ORDER
19.07.2024**

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1. Present writ petition has been filed seeking a direction to the respondent/National Highways Logistics Management Limited to issue/award tender for bundle DLK I-7 & I-8 for developing, operating and maintaining of wayside amenities on Delhi Mumbai expressway in various sections on lease basis in favour of the petitioner on the ground that the petitioner is technically qualified and the highest bidder (H-1).

2. Learned counsel for the petitioner states that the bids were opened more than three months ago and the tender is yet to be awarded to the petitioner. He states that the respondent has disqualified M/s. Amazon Power, which was inadvertently shown as the H-1 bidder. He therefore, states that there is no reason why the tender should not be awarded to the



petitioner as the petitioner has now become the H-1 bidder after the disqualification of M/s. Amazin Power.

3. Learned counsel for the respondent, who appears on an advance notice, states that though M/s. Amazin Power was ultimately disqualified, yet its bid was 1½ times more than the petitioner's bid. He states that in view of the huge difference between the H-1 and H-2 bid, the respondent has decided to cancel the tender in question and to float a fresh one. He points out that the tender in question gives the power to the respondent to cancel the tender.

4. Keeping in view the fact that the tender in question gives the power to the respondent to cancel the tender as well as the fact that M/s. Amazin Power had given a bid, which was nearly 1½ times higher than the petitioner's bid, this Court is of the view that the respondent's decision to cancel the tender is justified in law and facts.

5. Accordingly, the present writ petition along with pending applications is dismissed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 19, 2024

Aj