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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10439/2024 & CM APPL. 42953/2024, CM APPL.
42954/2024
ACME CLEANTECH SOLUTIONS PRIVATE LIMITED

.....Petitioner
Through: Mr. Budy Ranganathan, Ms.
Shryeshth Ramesh Sharma, Ms. Priya
Dhankar, Mr. Kunal Veer Chopra and
Mr. Shubham Singh, Advs.

versus

UNION OF INDIA & ORS.Respondent
Through: Mr. Shashank Garg, CGSC with Mr.
Raghav Bhatia, Ms. Aradhya
Chaturvedi, Ms. Nishtha Jain, Advs.
Mr. Sarvesh, GP. For Respondent
Nos. 1 and 3.
Mr. Vardhman Kaushik, Mr. Dhruv
Joshi, Mr. Mayank Sharma, Mr.
Karan Chauhan, Mr. Alok Saxena and
Mr. Arnold Harvey, Advs. for R-2.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% **ORDER**
30.07.2024

1. Present petition has been filed seeking setting aside of the Request for Selection dated September 29, 2023 ("RFS") and the Letter of Award dated February 29, 2024 ("LOA") issued by the Respondent No. 2, to the extent



they pertain to the 100MW capacity awarded to the Petitioner. The Petitioner also seeks directions to the Respondent No. 2 to return the Bank Guarantee dated January 03, 2024 (“BG”) furnished by the Petitioner towards Earnest Money Deposit.

2. Learned Counsel for the Petitioner states that the impugned RFS was issued by the Respondent No. 2, on behalf of the Respondent No. 3, wherein the Respondent No. 2 was acting in the capacity of being a Deemed Distribution Licensee (“DDL”) and that in light of the learned Appellate Tribunal for Electricity’s judgement dated February 12, 2024, Appeal No. 276 OF 2015, (“APTEL Judgment”), wherein it has been held that Respondent No. 3 is not a DDL, the original premise of the impugned LOA has been rendered invalid, and made it impossible for the Petitioner to proceed with the development of the project awarded to it.

3. A perusal of the paper book reveals that the petitioner has made a number of representations to the respondent No.2 which have not been disposed of till date.

4. Keeping in view the aforesaid, the present writ petition is disposed of with a direction to respondent No.2 to treat the present writ petition as a representation and to decide the same by way of a reasoned order in accordance with law, as expeditiously as possible, preferably within six weeks.

5. To balance the equities, this Court directs that till a decision is taken by respondent No.2, the petitioner’s bank guarantee dated 03rd January, 2024 shall not be encashed. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.



6. In the event, the petitioner is aggrieved by the decision of the respondent No.2, it shall be at liberty to file appropriate proceedings in accordance with law.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 30, 2024

N.Khanna