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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12895/2024, CM APPL. 53743/2024-Interim relief.

BLS INTERNATIONAL SERVICES LIMITEDPetitioner

Through: Mr. Amit Sibal, Senior Advocate
with with Mr.Naman Joshi,
Mr.Arpit Singh Arora, Ms.Ritika
Vohra, Mr. Rahul, Mr. Shivam &
Ms.Amber Tickoo, Advocates.

Versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Shashank Garg, CGSC with
Ms. Nishtha Jain, Advs. for R-1 &2
Mr. Rajiv Nayar, Sr. Advocate with
Ms. Meghna Mishra, Ms. Tahira
Karanjawala, Mr. Arjun
Raghavendra M., Mr. Aman T.
Mehta, Ms. Mehek Karanjawala
and Ms. Manjira Das Gupta,
Advocates for R-3

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

03.10.2024

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1. The present petition was filed seeking the following reliefs:-

A. Direct the Respondent Nos. 1 & 2 to complete the tender process and not annul the subject RFP dated 20.04.2023 after having opened financial bids about 16 months ago;

B. Direct the Respondent Nos. 1 & 2 to complete the tender process under the subject RFP dated 20.04.2023 in a time bound manner;



C. Direct the Respondent Nos. 1 & 2 to award contract under the subject RFP dated 20.04.2023 in favour of the Petitioner being lowest bidder or LI at the time of opening of financial bids;

D. In the event by the time of listing or hearing and disposal of the present petition, a letter of award is issued or contract executed by the Respondent Nos. 1 and 2 in favour of any other person, quash and set aside such award / contract.

2. Learned counsel for the respondent nos. 1 and 2 submits that the competent authority has decided to annul the Request for Proposal (RFP) and therefore nothing survives for adjudication in the present petition.

3. Learned senior counsel for the petitioner, however, submits that the annulment of the RFP by the respondent nos. 1 and 2 is not only malafide but wholly illegal as this decision to annul the RFP is taken almost 17 months after the issuance of the RFP and that too when the petitioner had already extended its offer, which he claims to be the lowest, till 03.12.2024.

4. Having considered the submissions of learned counsel for the parties, we are of the view that once the RFP, of which the petitioner was seeking finalization, in itself stands cancelled/ annulled, it would not be appropriate to examine the grievance, if any, of the petitioner regarding the annulment of the RFP in these proceedings. We, therefore, dismiss the present petition, alongwith the pending application, as infructuous but grant liberty to the petitioner to assail, as per law, the decision of annulment/ cancellation by respondent nos. 1 and 2, if so advised. We also make it clear that in any fresh proceedings initiated it will be open for the petitioner to raise all grounds permissible in law including grounds raised in the present petition.

5. Needless to state, this Court has not expressed any opinion on the



legality or validity of the annulment/ cancellation decision taken by the respondent nos. 1 and 2.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 3, 2024/akr