



2024:DHC:7702-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 987/2024 & C.M.Nos.58115-58116/2024**
M/S NAVANSH ENGINEERS AND CONSULTANTS

.....Appellant

Through: Mr.Somnath Bhattacharya, Advocate.

versus

UNION OF INDIA

.....Respondent

Through: Mr.Rakesh Kumar, CGSC with
Mr.Gokul, GP.

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Date of Decision: 03rd October, 2024**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****MANMOHAN, ACJ : (ORAL)**

1. Present letters patent appeal has been filed challenging the order dated 15th July, 2024 passed by the learned Single Judge of this Court in W.P. (C) 9566/2024, whereby the writ petition filed by the appellant, challenging the order dated 14th August, 2023 passed by respondent no.3 forfeiting the earnest money deposit (EMD) of Rs.98,000/- deposited by the appellant, was dismissed on the ground that the imposition of penalty of Rs. 98,000/- on the appellant was against the revocation of the bid with respect to the first call for Notice Inviting Tender (NIT).

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LPA No.987/2024

Page 1 of 3



2024:DHC:7702-DB



2. Learned counsel for the appellant states that the appellant was constrained to revoke his bid in the first NIT as the respondent no. 2, vide letter dated 22nd December, 2022, had requested the appellant to reduce the quoted rates, which was not feasible due to market conditions. He states that the appellant was not heard before forfeiture of the EMD amount or passing the order dated 14th August, 2023. He further states that no show cause notice was issued to the appellant.

3. At this stage, learned counsel for the respondent has handed over a photocopy of the revocation letter dated 26th December, 2022. The said letter reads as under:-

“To

*GE(AF) Gurgaon
Military Engineer Services
Gurgaon Harayana*

REVOCATION OF TENDER ID: 2022-MES-560630-1
CA NO. GE/GUR-/NIT-50/2022-23

Sir,

- 1. Kindly refer this firm bid submitted on 18 Nov. 2022 in respect of above ID.*
- 2. I hereby revoke my above quoted bid. Necessary EMD as per the rules in force is being deposited accordingly.*

Thanking you,

Yours faithfully,

(Himanshu Tiwari)

Proprietor

M/S Navansh Engineers & Consultant”

4. Keeping in view the unconditional revocation/withdrawal of the bid by the appellant as well as the voluntary deposit of EMD of Rs.98,000/-, this

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LPA No.987/2024

Page 2 of 3



2024:DHC:7702-DB



Court is of the view that there was no need for issuance of show cause notice in the present case.

5. Accordingly, the present appeal being bereft of merit is dismissed along with the applications.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

OCTOBER 3, 2024
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LPA No.987/2024

Page 3 of 3