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

+ **W.P.(C) 828/2025**

CISS SERVICES LTD

.....Petitioner

Through: Mr. Ashish Mohan, Sr. Advocate with
Mr. Arush Bhandari, Advocate

versus

UNION OF INDIA & ORS

.....Respondent

Through: Mr. Vikram Jetly, CGSC with Ms.
Shreya Jetly, Advocate and Mr.
Gokul, GP for R-1 & 2
Mr. Ameesh Agarwal, Dy. Dir.
(Contracts).
Mr. Anupam K Sinha, Mr. Pradeep K
Tiwari, Mr. Apoorv Jha and Mr.
Sahitya Srivastava, Advocates for R-
3/SIS Ltd.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

27.01.2025

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CM APPL. 4846/2025

1. This is an application under Article 226 read with Article 227 of the Constitution of India filed on behalf of the applicant/petitioner seeking to withdraw the present writ petition with liberty to file a fresh writ petition limiting the grounds of challenge.
2. Learned counsel appearing for the applicant/petitioner submits that the applicant/petitioner filed the present petition seeking to set aside (i) the operation and issuance of any work orders to respondent no.3; (ii) Technical Evaluation dated 23.12.2024 and to reevaluate the Technical Bids in respect

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of the GEM/2024/B/5205433 dated 26.07.2024, as the petitioner has been wrongly disqualified as per the Technical Evaluation dated 23.12.2024.

3. Learned counsel submits that on the date of hearing i.e., 23.01.2025, this Court had directed the applicant/petitioner to file an additional affidavit bringing on record all the documents which were filed by the applicant/petitioner at the time of submission of the bid.

4. Learned counsel submits that to file an additional affidavit as per order dated 23.01.2025, the applicant/petitioner cross checked all the documents filed on record and realized that it had inadvertently missed uploading some documents as the volume of the tender participation documents were huge. Learned counsel for applicant/petitioner submits that as this was not discovered till 23.01.2025, the learned counsel under *bonafide* impression on 23.01.2025, before this Court, submitted that the missing documents were forming part of the participation documents.

5. Learned counsel submits an unconditional apology stating that the submissions made by the counsel before this Court on 23.01.2025 were without the awareness of the aforesaid error.

6. Learned counsel for the applicant/appellant prays to withdraw the present petition and to file a fresh writ petition limiting itself to the grounds of challenging the disqualification on the basis of experience criteria.

7. This is a serious issue which the parties cannot be permitted to take lightly. This Court, upon hearing the learned senior counsel and assertions made before this Court on 23.01.2025, passed an interim protection to the applicant/petitioner. Apparently, the assertions were not true and correct.



8. Learned counsel on record had fairly mentioned the matter before this Court, the very next day i.e., 24.01.2025 and submitted that due to an inadvertent error, a wrong submission was made before this Court.

9. Be that as it may.

10. We deprecate such concealment by litigants. Though, we grant permission to withdraw the present petition, however, we deem it appropriate to impose a cost of Rs.50,000/- to be paid by the applicant/petitioner to the Delhi High Court Legal Services Committee within 2 weeks from date. The receipt whereof shall be filed under proper index in a week thereafter.

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11. The present petition is dismissed as withdrawn.

12. Next date fixed in the matter stands cancelled.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JANUARY 27, 2025/rl