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

+ **W.P.(C) 2234/2025 & CM APPL. 10446-47/2025**

**VEE ESS ELECTRICALS AND AIRCON THROUGH ITS
PROPRIETOR ANUJ KUMAR SHARMA**Petitioner

Through: **Mr. Girindra Kumar Pathak and Mr.
Hem Kumar, Advocates**

versus

UNION OF INDIA & ORS.Respondents

Through: **Mr. Shashank Dixit, CGSC with Mr.
Rohit Gupta, Advocate for R-1 to 3
for UOI.
Mr. Abhishek Praharaj, Ms. Shweta
Bharti and Ms. Bushra Alam,
Advocates for R-3.**

Date of decision: 20th February, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGEMENT

TUSHAR RAO GEDELA, J. : (ORAL)

1. Present petition under Article 226/227 of the Constitution of India has been preferred by the petitioner, *inter alia* seeking the following prayers:-

a) *Setting aside the impugned Bid process initiated through Bid No. GEM/2024/B/5565417 dated 01.11.2024 (Annexure-P-1) passed by the respondents;*

b) *Directing respondents 2 & 3 to bring on records all original proceedings of award of impugned tender;*



c) *Directing the respondents to re-tender while giving opportunity to the petitioner as well as other stake holders of public at large so as to enable them to participate in the afresh process;*

2. The petitioner claims to be a contractor performing annual maintenance contract for O&M of PMCC, Air Compressor House, Fire, Water Pump House, the DG sets and other allied electrical equipment at IOCL bottling plants at Tikri Kalan, Delhi for a period from March, 2018 till September, 2024 under two separate contracts. The petitioner states that on 20.09.2024 a limited tender through GeM portal for identical job work for five months only was issued. Petitioner claims it was declared a successful bidder and awarded the contract upto 28.02.2025. Petitioner claims that clandestinely the respondent no.2 issued another tender for similar works on 01.11.2024 on the GeM portal. It is the contention of the petitioner that the respondent, with a view to deprive the Petitioner from participating and simultaneously with an oblique motive to award the said contract to favoured bidders, had changed the nomenclature of the said bid to mislead the petitioner. The case of the petitioner is that due to such *malafide* act on the part of the respondent no.2, it was unable to apply for the said tender process and was deprived of an opportunity to be awarded the work contract. It is this deprivation which has been challenged in the present petition.

3. Mr. Girindra Kumar Pathak, learned counsel for the petitioner predicates his entire argument on the submission that the respondent had clandestinely changed the name/title of the work for the tainted tender process issued on 01.11.2024 in order to extend ill-intended benefits to only two bidders who may have been informed by the respondents about



the name of the work and were able to participate in the tender process. He further submits that due to the aforesaid, the petitioner was deprived of an opportunity to participate in the said tender which action was illegal, unfair, arbitrary and contrary to the principles settled by various Constitutional Courts.

4. That apart, learned counsel also contends that the petitioner was never informed by the respondent either by ordinary correspondence or by e-mail, regarding the fresh tender issued by it. According to the learned counsel the respondent was obliged to inform the petitioner about the intending tender issued by it. Failure thereof, has resulted in discrimination against the petitioner. He prays that the said impugned bid process be set aside and respondents be directed to issue fresh Notice Inviting Tender and permit petitioner and other stakeholders to also participate afresh.

5. We have heard learned counsel for the petitioner and are unable to appreciate the contentions raised in the petition.

6. The petitioner claims to have been executing similar contract with the respondent for the last six years in two tenures falling under two different tenders and Works Contract, and yet claims that he was unaware of the tender bid floated by the respondent through the GeM Portal. This Court is unable to fathom as to how the respondent is to be blamed in a case where the petitioner himself has been negligent and missed out the advertisement published on the GeM Portal which is in public domain. If at all, it would be the petitioner alone who would be responsible for such state of affairs. The petitioner has also been unable to demonstrate by reference to any clause or a document placing the obligation upon the respondents to



2025:DHC:1175-DB



issue any communication/e-mail to every prospective bidder every time a tender is invited by it. Thus, in the absence of any such condition coupled with the fact that the petitioner himself has been rank negligent in taking care of its interests, we find that the present writ petition is absolutely misconceived, unmerited and infact a gross abuse of process of the Court.

7. In that view of the matter, the present writ petition is dismissed. All the pending applications also stand disposed of.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 20, 2025/rl