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

+ **W.P.(C) 3029/2025, CM APPL. 14328/2025 & CM APPL. 14329/2025**

PACKMATE GRREEN LLP

.....Petitioner

Through: Mr. Rohit Kumar (AOR), Mr. Shailendra P. Singh, Mr. Harshvardhan Mall Visher, Mr. Adarsh Kumar, Mr. Sandeep Goyal, Mr. Ujjawal Gaur, Advs.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Ms. Shweta Bharti, Ms. Tejaswini Chandrasekhar, Mr. Jatin Chaddha, Ms. Sanskruti Jinwal, Advs. Ms. Rukhmini Bobde(CGSC) along with Mr. Kamaldeep (GP) and Mr. Amlaan Kumar, Mr. Vinayak Aren, Advs. for R1

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

10.03.2025

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W.P.(C) 3029/2025

1. The present petition has been filed seeking the following prayers –

“a. Issue a writ of mandamus or any other appropriate writ/order directing the Respondents to ensure strict compliance with Rule 144 of the General Financial Rules, 2017, in all procurements conducted through GeM.

b. Direct Respondent no 1 and Respondent no 2 to take appropriate steps to instruct all the buyers on GeM to not reject any bids of sellers without stating any cogent reason of rejection.

c. Direct the Respondents to establish a robust grievance redressal mechanism on GeM to address complaints regarding violations of procurement principles by buyers.



d. Direct the Respondents to take corrective action against the tenders that violate procurement norms by mentioning specific trademarks, trade names, or restrictive technical specifications.

e. Direct the Respondents to frame clear policies specifying administrative action against buyers violating procurement rules on GeM.

f. Direct Respondents to impart training programs for procurement officers to ensure awareness of and compliance with public procurement norms.

g. Grant any other relief that this Hon'ble Court deems fit and proper in the interest of justice."

2. The petitioner is engaged in manufacturing recycled paper material and is a registered seller on the Government e-Marketplace (GeM) portal wherein it regularly participates in the process of public procurement of goods. The use of the GeM portal as well as the agreements which are entered into between buyers and sellers/service providers, while participating in the process of public procurement of goods on GeM portal, are governed by the 'General Terms and Conditions on GeM 4.0 (Version 1.22) dated 28.02.2025' (hereinafter '*the GeM policy*').

3. By way of the present petition, the petitioner has raised generic grievances as regards the GeM policy, alleging that the same is violative of Rule 144 of the General Financial Rules, 2017 (hereinafter '*the GFR*'). Rule 144 GFR reads as under –

"Rule 144 Fundamental principles of public buying (for all procurements including procurement of works). Every authority delegated with the financial powers of procuring goods in public interest shall have the responsibility and accountability to bring efficiency, economy, and transparency in matters relating to public procurement and for fair and equitable treatment of suppliers and promotion of competition in public procurement. The procedure to be followed in making public procurement must conform to the following yardsticks:-

(i) The description of the subject matter of procurement to the extent practicable should –



a. be objective, functional, generic and measurable and specify technical, qualitative and performance characteristics.

b. not indicate a requirement for a particular trade mark, trade name or brand.

(ii) the specifications in terms of quality, type etc., as also quantity of goods to be procured, should be clearly spelt out keeping in view the specific needs of the procuring organisations. The specifications so worked out should meet the basic needs of the organisation without including superfluous and nonessential features, which may result in unwarranted expenditure.

(iii) Where applicable, the technical specifications shall, to the extent practicable, be based on the national technical regulations or recognized national standards or building codes, wherever such standards exist, and in their absence, be based on the relevant international standards. In case of Government of India funded projects abroad, the technical specifications may be framed based on requirements and standards of the host beneficiary Government, where such standards exist. Provided that a procuring entity may, for reasons to be recorded in writing, adopt any other technical specification.

(iv) Care should also be taken to avoid purchasing quantities in excess of requirement to avoid inventory carrying costs.

(v) offers should be invited following a fair, transparent and reasonable procedure.

(vi) the procuring authority should be satisfied that the selected offer adequately meets the requirement in all respects.

(vii) the procuring authority should satisfy itself that the price of the selected offer is reasonable and consistent with the quality required.

(viii) a complete schedule of procurement cycle from date of issuing the tender to date of issuing the contract should be published when the tender is issued.

(ix) All Ministries/Departments shall prepare Annual Procurement Plan before the commencement of the year and the same should also be placed on their website.

(x) [Notwithstanding anything contained in these Rules, Department of Expenditure may, by order in writing, impose restrictions, including prior registration and/ or screening, on procurement from bidders]



from, or bidders having commercial arrangements with an entity from, a country or countries, or a class of countries, on grounds of defence of India, or matters directly or indirectly related thereto including national security; no procurement shall be made in violation of such restrictions.]”

4. Learned counsel for the petitioner submits that the GeM policy is skewed in favour of buyers as it fails to hold buyers accountable for violation of the GeM policy. Learned counsel for the petitioner further submits that the GeM policy also does not envisage a ‘grievance redressal system’ for sellers to ventilate their grievances for matters pertaining to public procurement of goods on GeM.
5. During the course of hearing, it is noticed that the said grievances have also been raised by the petitioner before respondent no.1 and 2 by way of separate representations dated 12.12.2024. However, the same have not been responded to.
6. Issue notice.
7. Learned counsel, as aforesaid, accept notice on behalf of the respondents.
8. Considering that the prayers made in the present petition are extremely wide and generic in nature and not founded on any specific cause of action, this Court is not inclined to issue a Mandamus in the terms sought.
9. However, with the consent of respective counsel for the parties, it is directed that the respondent nos. 1 & 2 shall decide the petitioner’s representation/s dated 12.12.2024 expeditiously and make suitable modifications, in terms of Rule 144 GFR, to the GeM policy, if necessary.
10. Needless to say that the petitioner shall be at liberty to file afresh in the event of any specific grievance or if it is not satisfied with the outcome



of the aforesaid exercise.

11. The present petition is disposed of in the above terms. Pending applications also stand disposed of.

SACHIN DATTA, J

MARCH 10, 2025/dn