



2025:DHC:4724-DB



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

+ W.P.(C) 3207/2025, CM APPL. 14988-89/2025 & CM APPL.
33886/2025

RAGHAVENDRA BAGAL

.....Petitioner

Through: Mr. Dheeraj Malhotra, Mr. Vishal
Verma and Ms. Sakshi Gupta,
Advocates

versus

UNION OF INDIA & ANR

.....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Arnav Mittal, Advocate and Mr.
Akshi Bali (LC) MEA for R-1 &
2/IOI.

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Date of Decision: 28.05.2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J: (ORAL)

1. Present Public Interest Litigation (PIL) petition has been filed under Article 226 of the Constitution of India, 1950, seeking direction to respondent no.1/Union of India, Ministry of External Affairs not to club the charges of Value Added Services with service fee of the provider, enabling the applicants such as petitioner to avail any value added services. He also seeks direction to the respondent no.1 to modify the Request for Proposal (hereinafter referred to "RFP") for the Outsourcing of CPV Services at Embassy of India (EoI), Muscat dated 04.02.2025 and separate the charges



of Value Added Service.

2. It is the case of the petitioner that on 04.02.2025, the respondent no.1 through respondent no.2/Embassy of India in Oman, had floated a RFP calling bids from qualified bidders (hereinafter referred as “*Service Providers*”) for outsourcing of various services in relation to Consular/Passport/Visa/OCI/Police Clearance Certificate/Surrender Certificate (SC)/Global Entry Program (GEP) Verification/Miscellaneous Attestation, that are collectively identified as CPV Services.

3. Mr. Dheeraj Malhotra, learned counsel for the petitioner, states that in relation to the CPV Services under the new RFP, the Service Provider is required to provide application filing support and Value Added Services for a single contact price regardless of whether or not a Value Added Service is availed by an applicant. He states that under the existing system for CPV Services, Value Added Services are optional and paid only if availed.

4. He states that the change in pricing/policy under the new RFP is without any justification and bears no nexus to any stated purpose/policy of the respondent no.1 and must consequently fail. He further states that there is no justification for the proposed clubbing of all activities into one single Contract Price regardless of the nature of the service provided to a citizen.

5. Learned counsel stoutly contends that the introduction of a single “Contract Price” will result in a gigantic increase in price of several of the services consequently depriving/imposing debilitating costs on the economically weaker citizens present in the Gulf region of the CPV services and that it is unjust that the applicants shall pay equal fees regardless of the services availed.

6. Learned counsel for the petitioner further states that the present PIL has been filed for the benefit of all people globally that avail CPV services.



He states that the imposition of excessive and arbitrary fees on issuance or renewal of a passport is violative of the rights conferred by Article 14 and 21 of the Constitution of India on the petitioner and all others similarly situated.

7. Having heard Mr. Dheeraj Malhotra, learned counsel for the petitioner, we are of the considered opinion that the present petition styled as PIL is not maintainable on account of lack of *locus standi*. Though, it is trite that the PIL are also the petitions under Article 226 of Constitution of India, the only relaxation provided in a PIL is to locus, however, Courts are to examine each case independently.

8. In the present case, we find that the petitioner has challenged the terms or the conditions of the RFP, which in our opinion cannot be agitated by the petitioner. It is pertinent to note that the bidders in the said RFP have already filed various writ petitions challenging some conditions and/or disqualifications which are engaging the attention of this court.

9. Notwithstanding the above, if the petitioner had challenged the change in policy or shift in the policy by the State having wide ramifications and impact upon the public at large or the policy decision, possibly petition would be maintainable. Since, the petitioner has challenged certain clauses, which in his opinion are detrimental to the public, would not *ipso facto* confer locus upon the petitioner to lay a challenge to such a term and condition of the RFP by way of a public interest petition. Admittedly, the challenge before us stems from the policy decision or a shifting policy by the Government of India in respect of CPV Services provided by various embassies of India in different countries of the world. It is not disputed that the petitioner has not challenged the policy but a term or a condition of the RFP. Undoubtedly, the petitioner is not one



of the persons who are bidders to the said RFP and not directly affected by the terms thereof. By way of a PIL it possibly could be the policy or shift in policy of the Government which could be amenable to challenge. That being not the case, the present petition is not maintainable on account of lack of locus of the petitioner to challenge the same.

10. Though, the issue of territorial jurisdiction on the doctrine of *forum conveniens* is also doubtful, yet, since we do not find the present PIL petition not maintainable on account of lack of locus of the petitioner, we are refraining from traversing the issue of territorial jurisdiction.

11. For the above reasons, the present PIL is dismissed. However, no order as to costs.

12. Pending applications also stand disposed of.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 28, 2025/rl