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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6013/2025, CM APPL. 27535/2025 & CM APPL. 27536/2025

M/S BOTHRA SHIPPING SERVICES PVT. LTD.Petitioner

Through: Mr. Ravi P. Mehrotra, Sr. Advocate
with Mr. Himanshu Sachdeva, Ms.
Aaina Verma and Mr. Apoorv,
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASG with Mr.
Anurag Ahluwalia, Sr. Advocate with
Ms. Rukmini Bobde, CGSC with Mr.
Amit Gupa, Mr. Saurabh Tripathi,
Mr. Shubham Sharma, Mr. A. Kumar,
Mr. Urja Pandey, Mr. Jatin Dhamija,
Mr. Amlaan Kumar, Mr. Vinayak
Aren, Advocates with Mr. Hussain
Adil Taqvi, G.P. and Mr. Milind
Ramteke, Director, PMV, Mr.
Kartikeya Sinha, Director (Planning
& Marketing), NSIC, Mr. Rajesh Jain,
GM (PMV) for R-1 and 2.
Mr. Vivek Singh, Mr. Dipak K. Nag,
Ms. Apurva Upmanyu and Ms. Kirit
Mewar, Advocates for R-5.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
06.05.2025

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1. Heard Mr. Ravi P. Mehrotra, learned senior counsel representing the



petitioner, Mr. Chetan Sharma, ASG with Mr. Anurag Ahluwalia, learned senior counsel representing the respondent nos. 1 and 2 and Ms. Apurva Upmanyu, learned counsel representing the respondent no.5.

2. Having regard to the nature of proposed order, requirement of issuance of notice to respondent nos. 3 and 4 is hereby dispensed with. The petitioner is said to have participated in the tender process pursuant to the RPF issued by the respondent no.2 in the month of January, 2025 for supply of Tool Kits comprising of straight stitch domestic motorized sewing machine, small iron, measuring tapes and iron board, etc.

3. The petitioner is an OEM and treating himself to be eligible to participate in the process, he submitted his bid. However, his bid has not been found to be technically qualified for certain reasons. As a matter of fact in respect of certain issues prior to disqualifying the petitioner, the tendering authority/respondent no.2 had raised certain queries from the petitioner, which, according to the learned senior counsel representing the petitioner, were appropriately replied. However, without considering the said reply and the documents attached therewith, by another order, the petitioner's bid has been held to be technically non-responsive. The petitioner thereafter is said to have furnished documents on 23.04.2025, in response whereof a decision has been communicated to the petitioner that he still did not fulfil the requisite qualification for being declared technically qualified.

4. Thereafter, a representation has now been made on 02.05.2025 by the petitioner to the tendering authority/respondent no.2 raising certain issues, and accordingly, this petition has been filed with a simple prayer to be issued to the respondent no.2 to decide the said representation. The petition



also contains an additional prayer seeking a direction to the respondent no.2 not to proceed with the award of subject tender.

5. Lengthy arguments have been addressed by learned counsel appearing for the parties, however, what we find is that though decision for not finding the petitioner's bid technically responsive has been communicated, however, the reasons so indicated are non speaking.

6. In view of the aforesaid, the facts of the case persuade us to direct the tendering authority/respondent no.2 to consider and decide the representation dated 02.05.2025 preferred by the petitioner by taking an informed decision thereon.

7. On a query made to the learned counsel representing the respondent no.2 in the post lunch hearing of this matter, Mr. Chetan Sharma, learned ASG with Mr. Anurag Ahluwalia, learned senior counsel representing the respondent nos. 1 and 2 on the instructions of Mr. Hussain Adil Taqvi, G.P., Mr. Milind Ramteke, Director, PMV, Mr. Kartikeya Sinha, Director (Planning & Marketing), NSIC, Mr. Rajesh Jain, GM (PMV) has stated that the decision on the representation dated 02.05.2025 shall be taken by the competent authority of respondent no.2 before the letter of award/intent is issued. He has also informed that after opening of the financial bid, the respondent no.5 has been declared as L-1 whereas respondent no.4 has been declared to be L-2. However, the letter of intent has not been issued. He has thus stated on instructions that a decision on the representation dated 02.05.2025 shall be taken before any letter of award/intent is issued.

8. Accordingly, we dispose of the writ petition with a direction to the competent authority of respondent no.2 to decide the representation dated 02.05.2025 by passing a reasoned and speaking order. While taking a



decision on the said representation, all the issues and pleas by the petitioner shall be addressed by the respondent no.2 and the documents being relied upon by the petitioner shall also be taken into consideration.

9. Till decision in terms of this order on the representation dated 02.05.2025 is taken by respondent no.2, the letter of award/intent shall not be issued.

10. We make it clear that the observations made herein shall not be construed in any manner as our opinion as to the merits of the respective claims of the parties. We further direct that the decision to be taken under this order shall be immediately communicated to the petitioner and in case the petitioner still finds himself aggrieved by the said decision, it will be open for him to take recourse to the legal remedies which may be available to him under the law. This order is being passed, as already observed, without prejudice to the right of the parties in any manner.

11. The writ petition stands disposed of in the aforesaid terms.

12. Pending applications also stand disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MAY 6, 2025

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