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

+ **W.P.(C) 9272/2025 & CM APPL. 39268/2025**

BRIJESH KUMARPetitioner

Through: **Mr. Himanshu Vats, Adv.**

versus

UNION OF INDIA AND ANR.Respondent

Through: **Mr. Santosh Kumar, Standing Counsel
with Mr. Devansh Malhotra, Adv. for
NHAI.**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **17.07.2025**

1. Heard learned counsel for the parties.
2. By instituting this petition under Article 226 of the Constitution, the petitioner has sought a prayer for quashing the Request for Proposal dated 03.04.2025 issued by the National Highway Authority of India for Development, Operation and Maintenance of mini wayside amenity at chainage 50+270 (LHS) on NH-09.
3. It has been stated by learned counsel for the petitioner that the tender condition in Clause 6.1(a) to the effect that the applicant must have executed at least 3 works of operation & maintenance of similar amenities or housekeeping (leaning & sweeping) in any Government restaurant/building during last 5 years, is absolutely arbitrary and does not have any nexus to the nature of the work which is required to be performed under the tender.
4. On a query, it has been informed by learned counsel for the petitioner that the last date of submission of bid was over long ago and even technical and financial bids have already been opened and the tender is being processed.
5. In such a situation where the petitioner intended to challenge the



particular tender condition on account of which he was not eligible/ able to participate in the tender process, he ought to have challenged the same at least before the last date of submission of the bid.

6. Once the tender process has progressed to an advanced stage without any challenge to the conditions; and rights may have accrued or vested with third parties, it would, in our opinion, not be permissible for any party, specially a party which was rendered ineligible due to such condition, to disrupt or derail the progress so made. Any interference at this stage would simply create multiplicity of litigation; delay and protraction of the project impacting the overall project cost, and is definitely not in the public interest.

7. At this stage, in our opinion, the petitioner who did not/ could not participate in the tender process cannot be permitted to challenge the tender for the reason that the tender in question is in relation to providing certain public amenities. A tenderer who did not/ could not participate in the tender process due to some tender condition, does not have any locus to challenge the same at such a belated stage.

8. In view of the aforesaid, we are not inclined to interfere with the writ petition and the same is dismissed as such. We make it clear that we have not made any observation as to the merits of the case of the petitioner.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JULY 17, 2025

N.Khanna