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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 501/2025**

M/S HIGHWAY ENGINEERING CONSULTANTAppellant

Through: Mr. Vikas Singh, Senior Advocate
with Ms. Nandadevi Deka, Mr. Rohan
Thawani, Mr. Arunabha Ganguli, Mr.
Rohan Chandra, Mr. Shashwat
Pratyush and Ms. Shubhra Chandu
Sharma, Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR.

.....Respondents

Through: Mr. Santosh Kumar, Standing Counsel
with Ms. Nidhi Rani, Advocates for
NHAI.

Ms. Arunima Dwivedi, CGSC with
Mr. Sainyam Bhardwaj, Ms. Himanshi
Singh, Ms. Monalisha Pradhan,
Advocates and Ms. Pinki Pawar, GP
for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **06.08.2025**

CM APPL. 47885/2025 & CM APPL. 47886/2025 (Exemption)

1. Exemption allowed subject to all just exception.
2. The applications stand disposed of.

LPA 501/2025 & CM APPL. 47884/2025 (Stay)

3. Heard the learned counsel for the parties.
4. It has been contended by learned Senior Counsel representing the appellant that the interim prayer Clause (C) contained in the application seeking interim relief, which was filed by the appellant in the proceedings of



the writ petition pending before learned Single Judge, has not been considered which seriously prejudices the appellant's cause inasmuch as that Clause 5 read with Clause 9 of the circular dated 07.10.2021 clearly provides that, "Non-performer/debarment status of a bidder on the bid due date will be the criteria for eligibility of a bidder to participate in the said bid" and, accordingly, the bids submitted by a party prior to the date of passing of order of non-performer/debarment will not be affected.

5. Our attention has been drawn by learned counsel representing the respondent to paragraphs 38 and 39 of the order dated 07.07.2025 passed by learned Single Judge and it has been submitted that the said prayer stands considered by the observations made by learned Single Judge in the said order.

6. If we peruse paragraphs 38 and 39 of the said order, what we find is though an opinion has been expressed by learned Single Judge about the contentions raised by the appellant, however consideration of the interim prayer (C) is not there.

7. At this juncture, learned counsel appearing for the appellant prays that he may be permitted to withdraw this appeal with the liberty to file miscellaneous application for redressal of his grievances before the learned Single Judge.

8. In view of the aforesaid, the Letters Patent Appeal is hereby dismissed as withdrawn with the liberty as prayed for.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

AUGUST 6, 2025/yrj