



\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 15789/2024, CM APPL. 66233/2024 & CM APPL. 66234/2024

GARG AND GARG CO

.....Petitioner

Through: Mr. Jeevesh Nagrath, Sr. Adv. with Mr. Saurabh Mishra, Sr. Adv. with Mr. Rahul Raj Mishra, Mr. Avinash Ankit, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Vidhi Gupta and Ms. Nishtha Garg, Mr. K. Chandel, Adv. for R-1 to 4.
Mr. Manish Kumar and Mr. Aman Nandrajog, Mr. Girish Shankar, Adv. for R-5

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

ORDER

%

11.12.2025

1. Learned counsel for the appellant has brought to our notice a letter dated 24.10.2025, whereby the Competent Authority has accorded permission for cancellation of the bidding process, which is the subject matter of this writ petition. The letter dated 24.10.2025 is extracted herein below:-

*Government of India
Ministry of Road Transport & Highways
Office of the Regional Officer
1st Floor, The Institution of Engineers (India) Building
Near ISBT, Saharanpur Road, Dehradun, Uttarakhand-248002
Phone (0135)-2738657*



No. RO/UK/NH 09/Bharatmala/2022-23/KLM-LP Dated:24.10.2025

To,

The Chief Engineer
HQ, STF Hirak, Railway Station Road
Near ITI, Tanakpur - 262309 (U.K.)
(E-mail: bro-hrk@nic.in)

Sub.: Widening to 2-lane with hard Shoulder configuration of Kali Mandir (Ch. 133.078) to Lipulekh Pass (Ch. 159.476) section on NH-09 in the State of Uttarakhand under Project Hirak, BRO - reg.

Ref: CE(P), Hirak Office letter no. 90004/Kalimandir-Lipulekh/38/EPC dated 04.10.2025

Sir,

This is in reference to CE(P), Hirak office letter under reference, vide which directions were sought regarding cancellation of ongoing tender process for subject work under EPC mode.

2. In this regard, it is to inform that Competent Authority has accorded permission for cancellation of ongoing bidding process for subject cited work. Further, BRO has to proceed with departmental implementation for the Kali Mandir-Lipulekh section of NH-09, considering that it is a project of strategic importance located at high altitudes and BRO may be best positioned to handle departmental implementation.

3. It is also requested that, in matter of W.P. (C) 15789/2024, Hon'ble High Court, Delhi be apprised of the policy decision to execute the subject work departmentally & therefore due to administrative reasons bidding process has been annulled.

4. This for your kind information and further necessary action.

Yours faithfully,

Assistant Executive Engineer
For Regional Officer, Dehradun

2. Letter dated 24.10.2025 is taken on record.

3. By means of an order dated 25.10.2025, the subject tender itself has been cancelled, which is extracted herein below:-

“[E-TENDERING NOTICE]
BORDER ROADS ORGANISATION
MINISTRY OF DEFENCE



CHIEF ENGINEER, PROJECT HIRAK, C/o 56 APO

TENDER ID 2023_MoRTH-764115_2
CORRIGENDUM FOR CANCELLATION OF TENDER

1. Refer tender ID 2023_MoRTH-764115_2 for WIDENING TO 2 LANE WITH HARD SHOULDER CONFIGURATION OF KALIMANDIR (CH. 133.078) AND LIPULEKH PASS (CH. 159.476) ROAD OF NH-09 UNDER BHARATMAL PARIYOJANA IN THE STATE OF UTTARAKHAND ON EPC MODE

2. *It is intimated that due to technical/administrative reason subject tender is here cancelled.*

(Manoj Negi)
Col.
Director (EPC)
For Chief Engineer”

4. The said order dated 25.10.2025 is also taken on record.
5. In view of the aforesaid, learned counsel for the petitioner states that he may be permitted to withdraw the present case.
6. Accordingly, the present petition is dismissed as withdrawn.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

DECEMBER 11, 2025/j