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

+ W.P.(C) 18847/2025 & CM APPL. 78453/2025

SANDEEP KUMAR PROP OF KHAIRA TOURIST SERVICE

.....Petitioner

Through: Ms. Nandita Rao, Senior Advocate
with Mr. Rajiv Shukla, Ms. Shivani
Kapoor and Mr. Sanjay Kumar,
Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Shashank Dixit, CGSC for UOI

(27)

+ W.P.(C) 18848/2025 & CM APPL. 78454/2025

M/S INDRAPRASTHA SERVICES

.....Petitioner

Through: Ms. Nandita Rao, Senior Advocate
with Mr. Rajiv Shukla, Ms. Shivani
Kapoor and Mr. Sanjay Kumar,
Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Ms. Rukhmini Bobde, CGSC with Mr.
Deepansh, GP, Mr. Amlaan Kumar and
Mr. Vinayak Aren, Advocates.

(28)

+ W.P.(C) 18849/2025 & CM APPL. 78455/2025

VINAY KUMAR PROP OF GLORIOUS INDIA TRAVELS

.....Petitioner

Through: Ms. Nandita Rao, Senior Advocate
with Mr. Rajiv Shukla, Ms. Shivani
Kapoor and Mr. Sanjay Kumar,
Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Shashank Bajpai, CGSC with Ms.
Aashna Mehra and Mr. Vatsal Tripathi,
Advocates.



(29)

+ W.P.(C) 18850/2025 & CM APPL. 78456/2025

CITY TOUR AND TRAVELS

.....Petitioner

Through: Ms. Nandita Rao, Senior Advocate
with Mr. Rajiv Shukla, Ms. Shivani
Kapoor and Mr. Sanjay Kumar,
Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Vijay Joshi, CGSC with Ms.
Aandrita Deb, G.P. and Mr. Kuldeep
Singh, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

16.12.2025

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1. Present writ petitions have been filed under Article 226 of the Constitution of India seeking setting aside of the Bid Document dated 21.11.2025 for Tender bearing no.GEM/2025/B/6917260 being arbitrary and further, seeking a direction to the respondent to re-issue the tender notice containing fair, transparent and non-discriminatory criteria.

2. The respondent/Ministry of Health & Family Welfare (MoHFW) floated the Tender bearing no.GEM/2025/B/6917260 dated 21.11.2025 for procurement of 'Monthly Basic Cab & Taxi hiring services - premium sedan' through the GeM portal. The petitioners *vide* representation/letter dated 22.11.2025 called for attention of the respondent to the unfair and discriminatory clauses in the bid document. However, the said representation was rejected by the respondent on 05.12.2025 constraining them to invoke the writ jurisdiction of this Court by filing the present petitions.

3. Ms. Nandita Rao, learned senior counsel for the petitioners submits that



the tender in question is for providing total 50 vehicles- 45 premium sedan cars and 5 Premium SUV, however, the respondent has inserted unreasonable, restrictive and unfair conditions through Buyer's Added Bid 'Specific Terms & Conditions' which are discriminatory to the Micro and Small Enterprise (MSEs). Our attention has been drawn to Clause 9 of the Specific Terms & Conditions in the bid document which, *inter alia*, provided for the requirement of having the garage/taxi stand within the radius of 7 kms from the MoHFW (Nirman Bhawan). In that, the bidder was required to submit a GST registration certificate/electricity bill of the said garage/taxi stand in the name of the company/owner. It is contended that patently, such a condition requiring the bidder to be the owner of the said garage/taxi stand, is imposed to illegally oust the MSEs from even participating in the bid process and to favour a few existing vendors.

4. Further attention has been drawn to Clauses 7 & 8 of the Specific Terms & Conditions through which an additional term/condition has been added in the bid document requiring that the bidder must have the operational capacity to deploy up to 100% electric vehicles during the contract period, as and when required for implementation. Clause 8 requires the bidder to not only submit copies of RCs (commercial) of 5 vehicles (Premium SUVs) and 45 vehicles (Premium Sedans) but in addition, also of 50 electric vehicles. It is contended that though the tender is only for 50 vehicles, the requirement of copies of RCs of total 100 vehicles, that too, 50 of them to be mandatorily of electric vehicles is unfair, unreasonable and arbitrary.

5. It is also stated that as per Clause 17 of the Disclaimer in the bid document, in a category based bid, adding additional items, through buyer added additional scope of work/ additional terms and conditions/or any other document by the Buyer may entail the bid and resultant contracts to be treated as null and void and such bids may be cancelled by GeM at any stage of



bidding process without any notice. It is noted that if the Buyer needs more items along with the main item, the same must be added through bunching category based items or by bunching custom catalogs or bunching a BoQ with the main category based item, and the same must not be done through Additional Terms & Conditions (ATC) or Scope of Work.

6. Heard learned counsel for the parties and perused the records.

7. A statement has been given by Ms. Bobde, learned counsel for the respondent that as far as the requirement in Clause 9 is concerned, the electricity bill which may be furnished in support of the eligibility condition, may not necessarily be in the name of the bidder itself, however, some tangible proof of having taken the said premises in respect whereof the electricity bill is sought to be provided, may be enclosed in support, like rent agreement etc.

8. Though Ms. Nandita Rao, learned senior counsel for the petitioner strongly contended that the requirement of 50 Electricity Vehicles and RCs for the same to be furnished, is contrary to the BoQ and falls within the additional terms and conditions, which would be violative of Clause 17 of the Disclaimer in the bid document, we find that the said requirement is justifiable for the reason explained by Ms. Bobde. In that, Ms. Bobde submits that the requirement of Electric Vehicles may arise during times when pollution is at peak in Delhi and preventive measures under GRAP are implemented or when any other exigency arises. We find the said submission reasonable. Moreover, Clause 7 only prescribes that the bidder must have an operational capacity to deploy upto 100% electric vehicles during the contract period as and when required for implementation, meaning thereby that a bidder may have to be prepared for such an eventuality, if and when such requirement arises. Only documentary proof in regard to availability of electric vehicles is to be demonstrated.



9. In view of the statement so made by Ms. Bobde, learned counsel for the respondent, we dispose of this writ petition with a direction that in case the respondent would require clarifications from any of the bidders during evaluation of the technical bids, including the petitioner, on any of the aforesaid aspects, such clarification may be sought in accordance with the terms of the NIT as also the Manual for Procurement of Goods, if applicable.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

DECEMBER 16, 2025

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