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

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Date of Decision : 28.02.2026+ **W.P.(C) 2827/2026****PRL PROJECTS AND INFRASTRUCTURE
LIMITED**

.....Petitioner

versus

UNION OF INDIA

.....Respondent

+ **W.P.(C) 2836/2026****PRL PROJECTS AND INFRASTRUCTURE
LIMITED**

.....Petitioner

versus

UNION OF INDIA

.....Respondent

Present: Ms Anusuya Salwan and Ms Nikita Salwan,
Advocates for the petitioner.
Mr. Ankur Mittal, CGSC Mr. Ankur Saboo
Mr. Aviraj Pandey, Advocates and Mr
Vinay Kaushik, GP for UOI.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)****CM APPL. 13746/2026(Exemption) in W.P.(C) 2827/2026****CM APPL. 13771/2026(Exemption) in W.P.(C) 2836/2026**

1. Exemptions are allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 2827/2026 & CM APPL. 13745/2026(Stay)**W.P.(C) 2836/2026 CM APPL. 13770/2026 (Stay)**



3. These petitions have been filed by the petitioner in respect to two different works with the following common prayers:-

“a. Issue appropriate writ, order or directions in the nature of certiorari quashing the decision dated 20.02.2026 of the Respondent declaring the Petitioner as a “deemed non-performer” and declaring the technical bid of the Petitioner as “Non-Responsive”, and

b. Issue appropriate writ, order or direction in the nature of Mandamus directing the Respondent to declare petitioner as technically qualified, and

c. Issue appropriate writ, order or direction in the nature of mandamus directing the Respondent to open and consider the financial bid of the petitioner.”

4. The submission of Ms Anusuya Salwan, learned counsel appearing for the petitioner is that the respondent herein has declared the petitioner's bids for the work “Construction of road from km 87.130 to km 121.541 of Taliha Tato section of NH-913 (Frontier Highway) to Intermediate Lane on EPC mode in the State of Arunachal Pradesh” being subject matter of W.P.(C) No.2827/2026 and also “Construction of road from km 17.812 to km 55.377 (Package 2) of Bile Migging section (km 0.00 at Migging end) of NH-913 (Frontier Highway) to Intermediate Lane on EPC mode in the State of Arunachal Pradesh”; being subject matter of W.P.(C) No.2836/2026 as ‘non-responsive’ vide technical results dated 20.02.2026.

5. This, according to the respondent, is primarily in view of the fact that a committee has found the petitioner herein to be a deemed non-performer party in respect of the work of construction “Construction of proposed 2-



lane RoB and its approaches in lieu of existing level crossing no.64 at km 172.990 on Jodhpur Ajmer Road on NH-65 in district Nagaur, in the State of Rajasthan” as per clause 2.1.14 of the RFP.

6. Her submission is that the State of Rajasthan has issued a show cause notice dated 16.12.2025 proposing to debar the petitioner from participating in public procurement tenders, which has been challenged by the petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 (the Act) being OMP (I) (COMM) No.536/2025. She states that the learned Single Judge of this Court, noting the fact that, since an Arbitral Tribunal, has already been constituted vide order dated 23.12.2025 in Arb. Pet. No.1845/2025, has with the consent of the parties therein, directed that the said Section 9 petition shall be treated as an application under Section 17 of the Act and it be decided by the Arbitral Tribunal, itself. She submits that the learned Arbitrator is in the midst of hearing the said Section 17 application and the next date of hearing is 07.03.2026.

7. She submits that the petitioner had applied in the tenders for certain works with the respondent. However, the respondent, by relying upon the action proposed to be taken by the State of Rajasthan, has declared the petitioner's bids as non-responsive. She states that the same is not permissible as no final decision has been taken by State of Rajasthan in pursuance of show cause notice, which is sub judice before the Arbitral Tribunal.

8. She states that the respondent will now proceed to open the financial bids of the other bidders and not of the petitioner, thereby depriving it of the opportunity to be considered for the tender. It is under these circumstances, the petitioner has approached this Court. According to Ms Salwan, these



petitions raise other grounds as well.

9. In reply, Mr. Mittal appearing on behalf of respondents states that before opening the financial bids, respondents will scrutinise the representations received from the disqualified bidders. He states that the petitioner has made a representation dated 24.02.2026 against its disqualification and respondents will decide the said representation before opening the financial bids.

10. In rejoinder, Ms. Salwan has expressed apprehension that once the representation dated 24.02.2026 against the decision of the respondent of the bids being non-responsive, is decided, the respondent shall go ahead with the opening of the financial bids. She states that this may happen before the date of hearing fixed in the arbitration.

11. We have heard the counsels for the parties.

12. Suffice to state that, Annexure P40 to these petitions, which is an order dated 23.12.2025 passed by the learned Single Judge, notes/incorporates the prayer made by the petitioner in the interim application before the learned Arbitrator, which includes a direction that the petitioner should not be disqualified from bidding and being considered for tenders with the respondent and other agencies including the agencies other than the State of Rajasthan solely on the basis of its disputes with the State of Rajasthan.

13. We have been informed that, the next date of hearing before the learned Arbitrator is 07.03.2026. Mr. Mittal states without a decision on the representation of the petitioner, the financial bids shall not be opened. Appropriate shall be, that in the peculiar facts of these cases, the respondent shall defer its decision, on the representation dated 24.02.2026 made by the



petitioner till 09.03.2026.

14. With the above direction, the petitions stand disposed of. The pending applications also disposed of.

15. We make it clear that we have not expressed any opinion on the merits of the challenge raised by the petitioner to its disputes with State of Rajasthan. All rights and contentions of the parties are left open.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 28, 2026

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