



2026:DHC:4248-DB



\$~196

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

%

Date of Decision: 12.05.2026

+ W.P.(C) 6316/2026, CM APPL. 30971/2026 and CM APPL. 30972/2026

PRAVEEN SINGH CHAUHAN SECURITY AGENCY PVT.
LTD.PetitionerThrough: Mr. Prashant Mehta, Ms. Ishta
Choudhary and Ms. Prachi
Mehta, Advs.

versus

GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Ms. Avnish Ahlawat, SC along
with Mr. Anubhav Gupta, Mr.
Kartik Sharma, Mr. Nitesh
Kumar Singh, Ms. Aliza Alam
and Mr. Mohnish Sehrawat,
Advs.**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T (O R A L)****ANIL KSHETARPAL, J.:**

1. The Petitioner, which is engaged in the business of providing security manpower services, including deployment of Security Guards and Security Supervisors, has filed the present Writ Petition praying, *inter alia*, for issuance of appropriate directions to stay the bidding process pursuant to tender dated 01.04.2026 bearing Bid No. GEM/2026/B/7397141 floated by Respondent No.2 for providing Security & Manpower Services and for consequential directions to

Signature Not Verified

Signed By: JAI
NARAYAN
Signing Date: 14.05.2026
16:37:33

W.P.(C) 6316/2026

Page 1 of 5



2026:DHC:4248-DB



revise and rectify the categorization of Security Supervisors and Security Guards under the Impugned Notice Inviting Tender.

2. The grievance raised by the Petitioner in the present proceedings is that the Respondents, while issuing the impugned tender, have categorized Security Supervisors under the “Semi-Skilled” category and Unarmed Security Guards under the “Unskilled” category, which according to the Petitioner is contrary to the notification dated 19.01.2017 issued by the Ministry of Labour & Employment, Government of India.

3. Learned counsel appearing on behalf of the Petitioner submits that in terms of the aforesaid notification dated 19.01.2017, Security Guards without arms stand categorized as “Skilled Workers”, whereas Security Guards with arms stand categorized as “Highly Skilled Workers”. It is contended that the impugned tender conditions are therefore arbitrary, contrary to the applicable framework and violative of Articles 14 and 19(1)(g) of the Constitution of India.

4. The Petitioner has further sought to rely upon certain notifications, circulars and tender documents issued by other departments and instrumentalities of the Government to contend that Security Guards are ordinarily categorized under the “Semi-Skilled” or “Skilled” category and Security Supervisors under the “Skilled” or “Highly Skilled” category.

5. *Per contra*, learned counsel appearing on behalf of the Respondents submits that the technical bid submitted by the Petitioner itself has already been rejected on account of failure to deposit the



2026:DHC:4248-DB



requisite Earnest Money Deposit ('EMD') within the prescribed time in accordance with the terms and conditions governing the tender process.

6. Upon a query put by the Court, learned counsel for the Petitioner does not dispute that the Petitioner failed to deposit the EMD as stipulated under the tender conditions.

7. This Court has heard learned counsel for the parties and perused the record.

8. At the outset, it is required to be noticed that the Petitioner consciously participated in the tender process pursuant to the Notice Inviting Tender dated 01.04.2026. However, the Petitioner failed to comply with an essential condition of the tender relating to deposit of the EMD, as a result whereof its technical bid came to be rejected.

9. The present Petition has thereafter been filed assailing the tender conditions primarily on the basis of the notification dated 19.01.2017 issued by the Ministry of Labour & Employment, Government of India.

10. Be that as it may, the Respondents, in accordance with their administrative and operational requirements, have issued the Notice Inviting Tender and various agencies have participated in the bidding process pursuant thereto.

11. The scope of judicial review in matters concerning public tenders and contractual conditions is extremely limited. It is well settled that the terms and conditions of a tender fall primarily within



2026:DHC:4248-DB



the domain of the tendering authority and the Court ordinarily does not interfere unless the action of the authority is shown to be wholly arbitrary, *mala fide* or actuated by extraneous considerations.

12. In the present case, the Petitioner seeks to stall the tender process and the finalization of bids by placing reliance upon the notification dated 19.01.2017 issued by the Government of India regarding categorization of security personnel. However, merely because the Petitioner disputes the categorization adopted by the Respondents, the same cannot be a ground for this Court to interdict the ongoing tender process, particularly when the Respondents have already proceeded with the bidding process and multiple agencies have participated therein.

13. Furthermore, once the Petitioner had consciously participated in the tender process with full knowledge of the terms and conditions of the Notice Inviting Tender, but failed to comply with an essential condition relating to deposit of the EMD, the Petitioner cannot now turn around and challenge the tender conditions themselves.

14. A participant in a tender process who takes a chance by participating therein cannot, after being rendered ineligible or unsuccessful, seek to challenge the very process in which it had voluntarily participated.

15. It is also relevant to note that various agencies have already submitted their bids pursuant to the impugned tender and the tender process has substantially progressed. Interference at this stage would not only impede the procurement process but would also adversely



2026:DHC:4248-DB



affect public interest.

16. In view of the aforesaid facts and circumstances, this Court does not find any ground to interfere in exercise of jurisdiction under Article 226 of the Constitution of India.

17. Accordingly, the present Writ Petition, along with the pending applications, is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MAY 12, 2026
s.godara/pal