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

+ **W.P.(C) 7322/2026 and CM APPL. 35731/2026**

KCC BUILDCON PVT LTD

.....Petitioner

Through: Mr. Balbir Singh, Sr. Adv., Mr. Rupender Sinhmar, Mr. Naman Tandon, Ms. Charu Trivedi, Ms. Parvati Nambiar, Advs.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ORS.

.....Respondents

Through: Mr. Santosh Kumar, Standing Counsel and Mr. Adithya Ramani, Adv. for R-1.
Mr. Deepak Thukral and Ms. Shivani Chaudhary, Advs. for R-2.
Mr. Farman Ali, CGSC, Ms. Usha Jamnal and Ms. Tanya, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **22.05.2026**

CM APPL. 35732/2026 & CM APPL. 35733/2026

1. Exemptions allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 7322/2026 and CM APPL. 35731/2026

3. The instant petition is for the following reliefs:

“a. Issue an appropriate writ, order or direction quashing and setting aside the impugned Show Cause Notice dated 14.05.2026 bearing No. NEDIV-22012/1/2025-Northeast Division/E-299194/19 issued by the



Respondent No. 1 (Annexure P-1), and all proceedings, actions and consequences flowing therefrom;

b. Issue an appropriate writ, order or direction directing the Respondent No. 1 to forthwith return/handover to the Petitioner the Bid Security of Rs. 48,29,00,000/- (Rupees Forty Eight Crore Twenty Nine Lakh Only) submitted in the form of Bank Guarantee bearing Surety Bond No. BID/2026/DL0282 dated 07.01.2026;

c. Issue an appropriate writ, order or direction restraining the Respondents, whether by themselves, their officers, employees, agents or any other person acting under or through them, from initiating, continuing or concluding any proceedings, action or consequence whatsoever against the Petitioner by way of debarment, blacklisting, forfeiture of Bid Security or otherwise, in respect of the bid dated 07.01.2026 of the Petitioner;

d. Pass any other order or direction in favour of the Petitioner as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

4. Mr. Balbir Singh, learned senior counsel for the petitioner, submits that the petitioner had participated in the tender process for a project of respondent no. 1-National Highways Authority of India (NHAI), and was declared the successful bidder. However, vide annulment notice dated 09.05.2026, NHAI annulled the entire bidding process for the said project. Subsequently, the impugned Show Cause Notice dated 14.05.2026 (SCN) has been issued to the petitioner, whereby, the respondents propose to forfeit the bid security and also debar the petitioner for two years.

5. He, further, submits that the allegations against the petitioner in the impugned SCN is regarding purported material misrepresentation in its bid by not disclosing an alleged termination of a contract awarded with respect to a separate project of the NHAI.

6. According to him, the earlier contract was, admittedly, not 'effectively terminated' and there was an implicit understanding between the parties that its 'termination' was kept in abeyance. He submits that, in view



of this admitted position, it was not open to the respondents to penalise the petitioner for non disclosure of the same, as there was no ‘effective termination’ of the earlier contract.

7. The Court, however, finds that the respondents issued the SCN, calling upon the petitioner to explain the circumstances. It, thus, cannot be presumed that the respondents will not consider the petitioner’s reply with utmost objectivity.

8. If the petitioner files a comprehensive reply to the SCN, let the same be considered in accordance with law bestowing due consideration to the issues raised by the petitioner.

9. Let the reply be filed within a period of seven days from the receipt of this order. If the petitioner, so intends, let the personal hearing be also afforded to the petitioner. The respondents, thereafter, shall pass a speaking order in accordance with law.

10. If the petitioner’s grievance is not mitigated, it shall be at liberty to take appropriate recourse.

11. All rights and contentions of the parties are left open.

12. The instant petition along with pending application stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

MAY 22, 2026

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