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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10298/2026 CM APPL. 47619/2026**
MS VS INFRASTRUCTURE

.....Petitioner

Through: Mr. Anil C Nishani, Mr. Siddharth
Nath, Mr. Krishna M Singh, Mr.
Miyapur Ramesh Varma and Mr.
Kushal U, Advs.

versus

IRCON INTERNATIONAL LIMITED & ORS.

.....Respondents

Through: Ms. Hiral Gupta and Mr. Kaushik
Moitra, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **27.07.2026**

1. This petition has been filed with the following prayers:-

“a) Issue a Writ of Certiorari or any other appropriate writ, order, or direction quashing and setting aside the impugned Summary for Technical Evaluation Report dated 08.07.2026 (Annexure P-1) issued by Respondent No. 1 insofar as it declares the Petitioner’s technical bid as "Not Qualified" / nonresponsive on the ground of "Invalid EMD";

b) Issue a Writ of Certiorari or any other appropriate writ, order, or direction quashing and setting aside the technical evaluation dated 08.07.2026 (ANNEXURE P-1) and consequential financial evaluation declaring Respondent No. 4 (M/s Repplen Projects Private Limited) as technically responsive and the Lowest Amount Quoted Bidder (L-1), strictly in accordance with



the Notice Inviting Tender, the Instructions to Tenderers and the constitutional mandate of fairness, equality, transparency and non-discrimination; and/or

c) Issue a Writ of Mandamus or any other appropriate writ, order, or direction directing Respondent No. 1 to treat the Petitioner's technical bid as fully responsive and to open and evaluate the Petitioner's Financial/Price Bid along with other qualified bidders in respect of e-Tender No. IRCON/B1100009/MSME/e-Tender/EPC/TC Coimbatore/ET52;

d) Issue an appropriate writ, order or direction in the nature of Certiorari quashing the decision of Respondent No.1 08.07.2026 (ANNEXURE P-3) declaring Respondent No.4, M/s Repplen Projects Private Limited, as technically qualified and all consequential actions taken pursuant thereto, including its declaration as the Lowest Amount Quoted Bidder (L-1), on account of non-compliance with the mandatory Essential Qualifying Criteria prescribed under Clause 1(iii) of Annexure- V to the Instructions to Tenderers; and/or

e) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

2. The submissions of Mr. Sidharth Nath, learned counsel for the petitioner are twofold, one, the bank guarantee required to be invoked at any branch in Delhi NCR of the issuing bank and not at the branch which has issued the same is an arbitrary condition.

3. The petitioner having submitted the Bank Guarantee of the Karnataka Bank at Bangalore and the bank having expressed itself that the Bank



Guarantee could be invoked only in the branch, which had issued the Bank Guarantee the petitioner having submitted the bid with the clause as existing, it is too late in the day for the petitioner to challenge such a clause

4. The other submission of Mr. Nath is on the eligibility of respondent no. 4 to submit the bid against the RFP. Even this submission of Mr. Nath is not meritorious for the simple reason, the petitioner's bid having been treated as an invalid bid, the petitioner has no *locus standi* to challenge the eligibility of respondent no. 4.

5. The petition is, accordingly, dismissed.

6. We make it clear that we have not expressed ourselves on the eligibility of respondent no. 4.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JULY 27, 2026/sr