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

+ W.P.(C) 15034/2025 and CM APPL. 61929/2025

ERA INFRA ENGINEERING LIMITEDPetitioner

Through: Mr. Dayan Krishnan, Sr. Adv.
with Ms. Priya Singh, Ms.
Manvi Jain, Ms. Astha Singh,
Mr. Shreedhar, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Vikram Jetly, CGSC with
Ms. Shreya Jetly, Adv. for R-
1,3 and 4
Mr. R. V. Prabhat and Mr.
Daksh Pandit, Advs. for R-
2/Airport Authority of India
with Ms. Kashish Singhal, JE
(law) and Ms. Pragya Bansal,
JE (law).

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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28.04.2026

1. The present Writ Petition has been filed by the Petitioner, *inter alia*, seeking the following reliefs:-

“a) Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents to consider and decide the Petitioner’s Representation dated 03.09.2025 in light of the observations recorded by this Hon’ble Court in its Order dated 28.08.2025, within a time frame to be fixed by this Hon’ble Court; and

b) Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents to treat the period during which the Petitioner remained under CIRP as a “zero period” for the purposes of evaluating tender eligibility, so as to ensure that the Petitioner is not unfairly excluded from public procurement



opportunities.”

2. During the course of proceedings, it has been brought to the notice of this Court that the Respondents i.e., the Ministry of Finance, have already taken a decision in the matter *vide* communication dated 10.10.2025. The said decision has been placed on record along with the affidavit filed on behalf of the Respondents and is annexed thereto as Annexure R-2.

3. Learned Senior Counsel representing the Petitioner, while drawing the attention of this Court to clause (vi) of the aforesaid communication, submits that the concerns highlighted by this Court in its earlier Order dated 28.08.2025 were forwarded to the Ministry of Corporate Affairs, being the nodal Ministry for implementation of the Insolvency and Bankruptcy Code, 2016. It is, however, evident from the affidavit filed on behalf of the Ministry of Corporate Affairs that the decision in the present matter falls within the domain of the Ministry of Expenditure, which has now rendered its decision *vide* the aforesaid communication dated 10.10.2025.

4. In view of the aforesaid development, learned Senior Counsel for the Petitioner seeks permission to withdraw the present Writ Petition, with liberty to assail the aforesaid decision dated 10.10.2025 in accordance with law. Learned counsel appearing on behalf of the Respondents fairly states that there is no objection to the prayer so made.

5. Accordingly, the present Writ Petition is dismissed as withdrawn, with liberty as prayed for. It is made clear that it shall be open to the Petitioner to challenge the decision dated 10.10.2025 and to raise all grounds and contentions available in law in appropriate



proceedings.

6. It is further clarified that this Court has not expressed any opinion on the merits of the case, and all issues are left open to be agitated before the appropriate forum.

7. The pending application also stands disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 28, 2026/sp/pal