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

+ **W.P.(C) 16260/2025 and CM APPL. 66507/2025**

M/S S R SURGICAL

.....Petitioner

Through: Mr. Arun Sharma, Mr. Sandeep Tyagi, Advs.

versus

GOVERNMENT OF NCT OF DELHI AND OTHERS

.....Respondents

Through: Mr. Tushar Sannu, Counsel for GNCTD with Ms. Shaoni Das, adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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04.02.2026

1. The petitioner is a proprietorship firm claims to be engaged in supply of medicines, implants, and surgical consumables to Government hospitals under GNCTD.
2. Pursuant to a tender issued by the Directorate of Health Services for appointment of 'Local Authorized Chemists', the petitioner was selected and was issued Rate Contract on 28.04.2021. As per the case set up by the petitioner, it has executed all supplies strictly under Purchase Orders issued by the Central Drug Store and the goods were inspected, entered in stock registers, and consumed by the departments. There does not seem to be any rejection or deficiency memo in the supply so made.
3. It is also the case of the petitioner that on 30.07.2025, the Central Bureau of Investigation, AC-1, registered FIR RC-216-A-0012/2025 relating



to procurement irregularities in Lok Nayak Hospital. The FIR covers multiple entities but no charge-sheet or finding has been rendered against the petitioner. Following the registration of FIR, the respondents have withheld all payments due to the petitioner. There is no order of suspension, termination, or blacklisting as per the tender clauses. The petitioner claims an outstanding amount of Rs.8,92,55,091/- towards LNJP hospital and Rs.1,32,89,557/- towards DGEHS, aggregating to Rs.10,25,44,648/-. He also claims interest thereon on the undue delay.

4. Despite service of notice, no reply has been filed by the respondents.

5. Learned counsel appearing for the petitioner also places reliance on the decision of this Court in the case of *M/s Bioshield Lifesciences Pvt. Ltd. & Ors. v. GNCTD & Ors.*¹

6. Though there seems to be an arbitration clause as per clause 15 of the tender document, however, the respondents as of now, have not disputed the entitlement of the petitioner.

7. In view thereof, it would be appropriate if the petitioner is afforded an opportunity of hearing by the respondents. The respondents, thereafter, shall take an appropriate decision in accordance with law regarding the entitlement or otherwise of the claim made by the petitioner.

8. Accordingly, the instant petition stands disposed of with the following directions:

- i. Let the petitioner to approach the competent authority of the respondents within 30 days from today, along with a copy of the order passed today.
- ii. Respondents, thereafter, shall fix the date of hearing of the petitioner



and after affording opportunity of hearing, shall pass a speaking order.

- iii. If the claim of the petitioner is not admissible, the petitioner, thereafter, shall be at liberty to take recourse to the appropriate remedy in accordance with law.

PURUSHAINDR KUMAR KAURAV, J
FEBRUARY 4, 2026/P/AMG

¹ Order dated 03.05.2024 in W.P.(C) 1871/2024 & 2076/2024.