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

+ **W.P.(C) 5176/2026**

ARYAN PUMPS AND ENVIRO SOLUTIONS PRIVATE LIMITED

.....Petitioner

Through: Ms. Deepriya Snehi and Ms. Yashika
Kaushik, Advocates.

versus

AIRPORTS AUTHORITY OF INDIA

.....Respondent

Through: Mr. Digvijay Rai, SC with Archit
Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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22.05.2026

1. The petition is for the following reliefs:

“(a) That the Hon’ble Court be pleased to issue a writ of certiorari or any other writ, order or direction quashing the communication dated 13.04.2023 issued in respect of the subject tender bearing No.- TE/1/2021-TECH dated 27.04.2022

(b) That this Hon’ble Court be pleased to issue a direction to the Respondent to release the wrongfully withheld Earnest Money Deposit (EMD) amounting to Rs.64,06,250/- of the Petitioner along with interest from the date of forfeiture;”

2. The petitioner, primarily, prays for setting aside of communication dated 13.04.2023 issued by the respondent, whereby, it has been directed to extend its bid validity for the tender process with respect to ‘supply of four Rubber Removal Machines (RRMs) with Operation and Comprehensive Annual Maintenance Contract (CAMC) across various airports in India’,



failing which, its Earnest Money Deposit (EMD) of Rs. 64,06,250/- (Rupees Sixty-Four Lakh Six Thousand Two Hundred and Fifty Only), would be forfeited.

3. As per the case set up by the petitioner, on 27.04.2022, the respondent had invited submission of bids for the said tender process. In order to participate in the same, the petitioner had got issued a Bank Guarantee (BG) from its banker in favour of the respondent. The tender process was delayed on various occasions, and the respondent sought repeated extensions of the petitioner's bid validity. The Petitioner claims to have acceded to the said request twice, first till 31.03.2023, and again till 30.04.2023. However, when the respondent issued a third request for extension just days after the second one, the petitioner expressed its inability to extend the same. Subsequently, the respondent has issued the impugned communication and has since forfeited the EMD.

4. At the outset, it is seen that one of the grounds on which the petitioner assails the impugned communication is that the impugned forfeiture has been resorted to, without affording an opportunity of hearing subsequent to the impugned notice.

5. Learned counsel for the respondent, on instructions and in deference to the observations made by the Court, submits that the petitioner can be granted an opportunity of hearing and accordingly, prays that the respondent be granted liberty to pass a fresh order thereafter.

6. In view of the same, the impugned order stands set aside.

7. Let the respondent to issue a show cause notice calling upon the petitioner to file a reply.

8. If the show cause notice is issued, let the petitioner to file a reply



within a period of three weeks thereafter.

9. The respondent shall pass the final order after extending an opportunity of personal hearing to the petitioner.

10. Petition stands disposed of.

11. All rights and contentions are left open.

PURUSHAINdra KUMAR KAURAV, J

MAY 22, 2026/P