



2026:DHC



26:DHC:2464-DB

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

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Date of Decision : 23.03.2026+ **W.P.(C) 3691/2026 CM APPL. 17971/2026****SANDEEP KUMAR**

.....Petitioner

Through: Dr. Navin K. Sehrawat, Dr. Hariom Singh and Mr. Abhishek Kaushik, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jagdish Chandra, CGSC, Ms. Ashiwriya Sinha, GP and Ms. Maanya Saxena, Advs. for R1.
Ms. Anjana Gosain, Ms. Akansha Choudhary and Ms. Shreya Manjari, Advs. for R-2
Mr. Gurpreet Singh Sachdeva and Mr. Ashish Garg, Advs. for R-3.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. Learned counsel for the petitioner has filed corrected memo of parties which is taken on record.
2. This petition has been filed with the following prayers:-
“a. Issue an appropriate Writ of Mandamus or Writ of Certiorari or any other appropriate writ, or direction thereby quashing and setting aside the arbitrary and illegal evaluation



2026:DHC



26:DHC:2464-DB

process adopted by the Respondents in Bid No. GEM/2025/B/7038852 dated 29.12.2025 issued through the Government e-Marketplace (GeM) portal by the Election Commission of India.

b. Issue an appropriate Writ of Mandamus directing the Respondents to re-evaluate the technical and financial bids submitted in the aforesaid tender strictly in accordance with the eligibility conditions and evaluation parameters prescribed in the bid document.

c. Issue an appropriate writ, order or direction directing the Respondents to exclude from the tender process any bidder who does not satisfy the mandatory eligibility criteria prescribed under the bid document.

d. Pending disposal of the present writ petition, pass an interim order staying the award and finalization of the contract under Bid No. GEM/2025/B/7038852.

e. Pending disposal of the present writ petition, direct the Respondents to maintain status quo with respect to the tender process and restrain them from issuing any work order or entering into any contract pursuant to the impugned tender.

f. Award costs of the present proceedings in favour of the Petitioner.

g. Pass any other or further orders) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice”

3. In effect, the petitioner is challenging the conclusion drawn by the respondent no.2 / Election Commission of India (‘ECI’) in treating the respondent no.3 as L1 bidder and respondent no.4 as L3 bidder for award of contract for plying of vehicles.

4. At the outset, Ms.Anjana Gosain, learned counsel for the ECI would submit that the respondent no.4 was not in reckoning for the tender, inasmuch as, the respondent no.2 has shortlisted respondent no.3 as L1 and M/s. White Rose Travels, as L2.



2026:DHC



2026:DHC:2464-DB

5. In other words, it is her submission that as respondent no.4 has been debarred in the year 2024, it was not in reckoning. A question has arisen as the ECI has not considered the respondent no.4 for the tender, the challenge *qua* respondent no.4 has become infructuous, the answer to which has to be in affirmative.

6. Insofar as the plea of the learned counsel for the petitioner that L1 was not eligible, Ms. Gosain by drawing our attention to page no.36 submits that, the eligibility conditions therein are primarily the conditions which have been stipulated for the GeM Portal, where the tender was uploaded.

The conditions at page 36 are reproduced as under:-

“5. Estimated Bid Value indicated above is being declared solely for the purpose of guidance on EMD amount and for determining the Eligibility Criteria related to Turn Over, Past Performance and Project / Past Experience etc. This has no relevance or bearing on the price to be quoted by the bidders and is also not going to have any impact on bid participation. Also this is not going to be used as a criteria in determining reasonableness of quoted prices which would be determined by the buyer based on its own assessment of reasonableness and based on competitive prices received in Bid / RA process.

6. Past Experience of Similar Services: The bidder must have successfully executed/completed similar Services over the last three years i.e. the current financial year and the last three financial years(ending month of March prior to the bid opening): -

- 1. Three similar completed services costing not less than the amount equal to 40% (forty percent) of the estimated cost; or*
- 2. Two similar completed services costing not less than the amount equal to 50% (fifty percent) of the estimated cost; or*
- 3. One similar completed service costing not less than the*



2026:DHC



26:DHC:2464-DB

amount equal to 80% (eighty percent) of the estimated cost.”

7. But the fact is it is the Respondent No.2 which issued the tender in question, and it is the eligibility conditions stipulated therein which shall govern the Tender. She also draws our attention to page no.42 to contend the eligibility conditions have been clearly laid down, in Clause 2, which we reproduce as under:-

“2. Eligibility Criteria: The Bidder should meet the following criteria for evaluation of bids

S. No.	Basic Requirement	Specific Requirements
1	Legal Entity	<i>The Bidder should be either: A company registered under Indian Companies Act, 1956/2013 OR A partnership firm registered under Indian Partnership Act, 1932. LLP (Limited Liability Partnership) OR A Proprietorship firm duly registered either under the suitable act or any other Act of State/ Union, as applicable for dealing in the subject matter of procurement (Note: A self-certified declaration regarding the non applicability of registration to any Act should be submitted by the Bidder). Proof of registration should be attached.</i>
2	Experience	<i>Bidder must have at least 05 years' experience in providing vehicles to any Govt. Department/Ministry/PSU etc. relevant supporting documents (like work order, contracts, completion certificate etc.) to this effect should be uploaded alongwith technical bid.</i>
3	No. of vehicles owned/on lease	<i>1. The bidder shall provide a fleet comprising 45 vehicles. 2. The fleet shall mandatorily include a minimum 10 vehicles of the year 2025 model owned by the bidder. 3. Out of the total fleet of 45 vehicles, the bidder shall own at least 25 vehicles and not more than 20 vehicles shall be under lease arrangements. 4. All vehicles offered shall have been registered on or after 01.01.2024</i>



2026:DHC



2026:DHC:2464-DB

4	Annual Turnover	<i>The bidder should be financially sound and capable of providing uninterrupted vehicle services during the contract period. For this purpose, the bidder should have achieved an average annual turnover of not less than ₹6 crore during the last three completed financial years, i.e. 2022-23, 2023-24 and 2024-25, in the business of vehicle/taxi operations or allied transport services. A Chartered Accountant-certified statement of turnover for the said years shall be submitted along with the Technical Bid .</i>
5	Tax registration	<i>The Bidder should be registered for GST & Income Tax, where his business is located. 1. GST Registration 2. Income Tax/ PAN number</i>
6	Distance limit	<i>The bidder shall have the garage to station, operate, and maintain vehicles within a reasonable operational radius (up to 10 km) of the Election Commission of India premises, to ensure timely availability and effective service delivery. The same shall be subject to verification by ECI at an appropriate stage.</i>

(a) Other Mandatory Requirements to meet the Eligibility Criteria:

The Bidder should also provide an undertaking (as per the format enclosed at Annexure-V) that it will comply with all the applicable/prevaling statutory provisions, laws, acts and Government orders amended/notified during the period of agreement.”

8. So it follows, it is the Clause 2 above which shall govern the eligibility and not the conditions at page no.36, which we have reproduced above.

9. Similarly, Clause 4 which relates to annual turnover is also clear. A combined reading of Clauses 2 and 4 shall necessarily mean that the bidder must have five years of experience in providing vehicles to any government department/Ministry/PSU etc., with a turnover of six crores, during the last three completed financial years.



2026:DHC



26:DHC:2464-DB

10. In view of the submissions made by Ms.Gosain which we take on record, concedingly, on a perusal of page no.61 of the paperbook, it can be noted that the bid of the petitioner was in any case, higher than L1 and L2 and was not shortlisted.

11. Another submission of the learned counsel for the petitioner is that despite three representations made by the petitioner, the same have not been replied till date. Ms.Gosain states that the ECI shall communicate the reasons to the petitioner within three weeks from today.

12. If that be so, taking the said submission on record, we find no merit in the petition. The petition is dismissed.

13. The pending application is also dismissed as having become infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MARCH 23, 2026

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