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

+ **W.P.(C) 3771/2026 & CM APPL. 18484/2026**

INTERLINK FOODS PVT LTD

.....Petitioner

Through: Mr Vivek Tanka, Sr Advocate with
Mr Sumeer Sodhi Mr Varun Tankha
Mr Harshit Joshi Mr Vipul Tiwari and
Mr Shaurya Talwar, Advocates.

versus

**NATIONAL AGRICULTURAL COOPERATIVE MARKETING
FEDERATION OF INDIA LTD & ORS.**

.....Respondents

Through: Mr Aditya Vijaykumar, Advocate for
R1.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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25.03.2026

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

- “a. Issue an appropriate writ of mandamus or any other writ, order or direction directing Respondent No.1 to disclose and communicate to all participating bidders the outcome of technical evaluation of bids submitted pursuant to the Tender Document bearing NIT No.NAFED/HO/ICDS/RECIPE/2025-2026/01 dated 16.02.2026; and*
- b. Issue an appropriate writ, order or direction directing Respondent No.1 to permit inspection of technical bids, eligibility documents and evaluation records, including comparative statements and technical scrutiny sheets, to the participating bidders; and*
- c. Issue an appropriate writ, order or direction quashing and/or setting aside Clause C.1.c of the Tender Document bearing NIT No.NAFED/HO/ICDS/RECIPE/2025-2026/01 dated 16.02.2026 issued by Respondent No.1, to the extent it permits rejection of bids and cancellation of tender without assigning reasons and is being interpreted to justify non-disclosure of technical evaluation results and denial of inspection of bids; and*
- d. Issue an appropriate writ, order or direction reading*



*down the impugned clauses of the Tender Document so as to mandate transparency, disclosure of evaluation results and communication of reasons in the tender process;
e. Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”*

2. Mr. Vivek Tankha, learned senior counsel appearing for the petitioner by referring to the judgment of the Supreme Court in the case of ***Haffkine Bio-Pharmaceutical Corporation Limited v. Nirlac Chemicals & Others, (2018) 12 SCC 790*** would submit that the respondents are required to act as per the mandate of the Supreme Court in paragraph no.10 of the aforesaid decision. The same reads as follows:-

“10. Even before us no record could be produced to show that the bid of Bionet was opened in the presence of the representatives of Nirlac. In this view of the matter, we are clearly of the opinion that the entire tender opening process is vitiated since the CVC guidelines have not been followed. We may also add that opening of the tender without showing the documents is also meaningless. When a technical bid is opened, it is the right of the rival bidders to see whether the documents attached by a bidder meet the technical requirements or not. This can only be done if the documents attached to the bid are shown to the other side. According to us, the violation of CVC guidelines is itself sufficient to vitiate the entire tender process. We, therefore, find no merit in the appeals filed by Haffkine and Bionet.”

3. Mr Aditya Vijaykumar, learned counsel appearing for the National Agricultural Cooperative Marketing Federation of India Limited (NAFED)/respondent no.1 would submit that this petition is pre-mature as the bids have to be technically evaluated. He states that the outcome and the decision on the bids shall be informed to all the bidders, including the petitioner herein by specifying the reasons for the decision. In other words, he states that the decision and reasons of the technical evaluation of the bids



shall be conveyed to each of the bidder.

4. We also find that the Rule 173 of the General Finance Rules, 2017 stipulates the following:-

“173 Transparency, competition, fairness and elimination of arbitrariness in the procurement process

.....

(iv) Suitable provision should be kept in the bidding document to enable a bidder to question the bidding conditions, bidding process and/ or rejection of its bid. The reasons for rejecting a tender or non - issuing a tender document to a prospective bidder must be disclosed where enquiries are made by the bidder.

... ..”

5. If that be so, we are of the view that the present petition filed by the petitioner is pre-mature. We take the submission made by Mr. Aditya Vijaykumar, learned counsel for the NAFED on record and close this petition. The pending application also stands disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MARCH 25, 2026

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