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

+ **W.P.(C) 15034/2025**

ERA INFRA ENGINEERING LIMITED

.....Petitioner

Through: Mr. Dayan Krishnan, Senior Advocate with Mr. Apoorv Agarwal, Ms. Priya Singh, Ms. Manvi Jain, Mr. Shreedhar Kale, Mr. Sukrit Seth, Ms. Astha Singh, Advs.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr Vikram Jetly CGSC with Ms Shreya Jetly Adv for R-1&3. Mr. R.V. Prabhat, Mr. Daksh Pandit, Advs. along with, Ms. Kashish Singhal, JE (Law), Ms. Pragya Bansal JE (Law) for AAI R-2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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18.02.2026

CM APPL. 11200/2026(For early listing and hearing)

1. This is an application seeking early hearing of the writ petition.
2. We are not inclined to advance the hearing of the petition. Mr. Krishnan seeks to withdraw. The same is dismissed as withdrawn.

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3. We have heard Mr. Dayan Krishnan, learned Senior Counsel for the petitioner and Mr Vikram Jetly, CGSC for the respondent no.1 and 3.



4. Noting the earlier orders passed by this Court and as informed by Mr. Mr Vikram Jetly, CGSC that as per his instructions, the issue raised by the petitioner as to how the period during which the petitioner was before the NCLT be treated, has been referred to the Ministry of Corporate Affairs which is the nodal ministry governing the Insolvency and Bankruptcy Code (IBC), the Ministry of Corporate Affairs be made a party-respondent to ascertain its views on the issue.

5. Accordingly, the Secretary, Ministry of Corporate Affairs, Shashtri Bhawan, New Delhi-110001 is made party respondent. Let the amended memo of parties be filed within a period of one week.

6. Mr Vikram Jetly, CGSC states that he shall represent the Ministry of Corporate Affairs, the newly impleaded party.

7. If that be so, he shall take instructions on the issue raised by Mr. Krishnan.

8. We take on record the submission made by Mr Vikram Jetly, CGSC that in affidavit filed by the respondent no.1 it is stated that in the Manual for Procurement of Works Second Edition, 2025 under clause 1.12, with heading 'Legal Aspects Governing Public Procurement of Works', sub-clause 11, reads as under:

“Insolvency and Bankruptcy Code, 2016 as amended with Insolvency and Bankruptcy Code (Amendment) Acts 2018, 2019, 2020 and 2021 (Governs insolvency and liquidation of business enterprises) and Other allied laws applicable to business entities participating in works contracts.”

9. On this, Mr. Dayan Krishnan, learned Senior Counsel would submit the inclusion of the Insolvency and Bankruptcy Code in the Manual has no relevance, insofar, the issue raised by the petitioner in this petition.



10. List the petition on the date already fixed, i.e., 17.03.2026.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 18, 2026

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