



\$~100

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

% *Date of Decision : 11.03.2026*

+ W.P.(C) 2642/2026 & CM APPL. 14869/2026

BLS-E SERVICES LIMITED .....Petitioner

Through: Mr. Naman Joshi and Ms. Amber  
Tickoo, Advs.

versus

UNION OF INDIA & ANR. ....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.  
Arnav Mittal, GP and Mr. Akash  
Mishra Adv.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**V. KAMESWAR RAO , J. (ORAL)**

1. This petition has been filed with the following prayers:

- “a) Quash the Impugned Communication dated 4.02.2026 issued by Respondent No. 2;*  
*b) Direct the Respondent No. 2 to treat the Petitioner as having satisfied the Mandatory Eligibility Criteria prescribed under Chapter V, Para 1(I) of the subject RFP;*  
*c) Direct the Respondent Nos. 1 and 2 to undertake evaluation of the Petitioner’s Technical Bid under the subject RFP;*  
*d) Permit the Petitioner to submit and have its financial bid considered under the subject RFP;*  
*e) Pass such other or further orders as this Hon’ble Court may deem just and proper in the facts and circumstances of the present case.”*

2. In effect, the petitioner is challenging the communication dated 04.02.2026 issued by the respondent no. 2/Second Secretary (Consular),



Embassy of India, Kuwait whereby the petitioner has been disqualified for the RFP/Tender No. Kuw/Cons/415/03/2025 dated 20.11.2025 as the petitioner has failed to satisfy the Mandatory Eligibility Criteria for outsourcing, consular, passport and visa services.

3. Mr. Naman Joshi, learned counsel for the petitioner fairly states that on identical facts, this Court dismissed the W.P. (C) 2760/2026 **BLS-E Services Limited v. Union of India & Anr.** decided on 27.02.2026.

4. He states that, the ground for challenge, primarily in this petition, is that the experience of subsidiaries is a valid experience to be counted in favor of the petitioner.

5. According to him, the RFP treats the bidding company and its subsidiaries as one competitive unit. He illustratively relies upon Chapter VI, Clause 1(d) of the subject RFP. He states that as per the RFP, the bidding company and its subsidiaries are not allowed to bid separately for the same tender. He also relies upon Clause 1(xvi) of Chapter V under the subject RFP which expressly mandates the bidder to disclose its shareholding and financial interest in other entities. In other words, it is his submission that there is no express Clause in the RFP which prohibits the bidder from relying upon the experience derived from subsidiary entities.

6. Suffice to state that W.P. (C) 2760/2026 was dismissed by this Court upon hearing the learned counsel for the respondents, Ms. Nidhi Raman and by holding as under:

*7. The Petitioner does not dispute that the RFP issued by Respondent No.1 for the High Commission of India, London and for Embassy of India, Abu Dhabi are identical and the Mandatory Eligibility Criteria prescribed in Chapter V, Para 1(i) of both the*



*RFPs are identical, as well.*

8. *The Petitioner also does not dispute the reasons for which the Petitioner has been disqualified under both the aforementioned RFPs is identical, and there is no additional fact which arises for consideration in the present matter.*

9. *We have, while dismissing the writ petition filed with respect to Petitioner's disqualification under this RFP for Embassy of India, Abu Dhabi, held as under: -*

*"8. We agree that the submission made by Ms. Raman more so, no provision of the RFP has been shown to us to state that the experience of the subsidiary can be read as the experience of the bidder. In fact, the provision relatable to the Mandatory Eligibility Condition, in Chapter V clearly at page 65 of the petition stipulate as under:*

*"(i) The Bidding Company must have sound financial credentials of their own without the involvement or help from a third party in the form of financial resources such as subsidies and must also have at least 3 (three) years' experience during the last five-year period (Jan-2020 -Dec 2024), in operating a Centre for CPV services on behalf of a Diplomatic Mission of the Government of India or any other foreign Government dealing with at least an average 100 applications per working day. Verifiable details of experience of operating such centres must be provided.*

*Or*

*5 (five) years' experience in e-governance projects/IT-related projects of the Government of India which requires public dealing having a minimum of 100 applications per working day during the last five-year period. Verifiable details of such experience must be provided.*

*Or*

*10 (Ten) years' experience in the tourism travel industry which has arranged tours for at least 150,000 travelers during the past 3 years (Jan 2022 to Dec 2024) Details of all such tours arranged should be provided. Verifiable details of such experience must be provided.*

*Note: The Bidding Company must provide supporting documentary evidence for the current experience claimed, by providing details of web links of such services being rendered as well as necessary certificates/testimonials in support of the same. In the case of past services, necessary certificates from the Mission(s)/Government(s) concerned, clearly mentioning the required experience parameters, must be provided. No specific format is prescribed."*



9. *It is clear from above that the eligibility requirement must be of the bidding company and not of anyone else/subsidiaries.*

10. *The said clause (d) as reproduced above, only stipulates that the bidding company and its subsidiaries are not allowed to bid separately for the same tender. It cannot be read to mean that the experience of the subsidiaries shall be read in favour of the bidding company. The law in this regard as relied upon by Ms. Raman, in the case of Rohde and Schwarz GMBH and CO. Kg (supra) more particularly in paragraphs 3, 7, 25, 26, 27 and 28 is clear. The Court held as under:-*

*“3. The controversy involved in the present petition is whether the petitioner is entitled to claim the experience of its subsidiary as its own for the purposes of meeting the specified eligibility criteria for participating in the tender for installation, testing and commissioning of Voice Communication System at Delhi and Kolkata Airports.*

xxx

xxx

xxx

*7. It is contended by the petitioner that all necessary documents as required including those in respect of the eligibility criteria for pre-qualification as mentioned in clause 4 of the NIT were submitted by the petitioner on or before 22.05.2013. The documents submitted by the petitioner included a certificate in terms of clause 4.3.2 of NIT certifying that Rohde & Schwarz Topex S.A (hereinafter referred “R&S Topex”) a subsidiary of the petitioner had successfully executed the project for Supply, Installation and Commissioning of IP voice communication and control system with more than 32 Controller Working Positions. The project completion date was stated to be 25.08.2008. It is on the basis of the said project executed by R&S Topex that the petitioner claimed to have complied with the experience criteria as specified in clause 4.3.*

xxx

xxx

xxx

*25. In order to fall within the test as laid down in the case of New Horizons (supra) it would be necessary for a bidder to show that it has the relevant experience, however, the same may not recorded in its name. It is not open for a bidder to claim experience of another entity as its own experience. The instances given by the Supreme Court are cases where the bid is submitted by a partnership firm in which case the entities submitting the bid are essentially the partners and therefore the experience of partners becomes relevant. Joint venture companies formed for a specific purpose are also akin to partnerships although in an incorporated form. In cases of*



*mergers or amalgamations the resources of the companies are pooled although the amalgamating company loses its corporate name and identity which merges with the identity of the amalgamated company. In such cases, in essence, the bidder continues to be an erstwhile company although the experience may not be in the name of the amalgamated company. In all the examples given in the decision of New Horizon (supra) the vital test which has to be met is that the bidder must in fact have the requisite experience although for some reason it may not be available in his name. In the present case the bidder is the petitioner and the benefit of experience which is being claimed is that of a completely different entity. Although the petitioner may have acquired a majority stake in that entity, the same does not automatically translate the experience of R&S Topex as that of the petitioner.*

*26. There is yet another aspect which in this case requires to be highlighted and this aspect is whether the respondent is required to make indepth investigation into the experience of the petitioner or the same should be clearly discernable from the material that is provided. In the present case even if it is assumed that on the petitioner acquiring 51% shares of R&S Topex, the said company was reorganised and the relevant resources were acquired by the petitioner, the same cannot be clearly discerned from the material on record and in order to determine whether the petitioner has the requisite experience an investigation into the details of the re-organisation following the acquisition of majority shares of R&S Topex would have to be conducted. In such circumstances, if the respondent authorities does not accept the experience of the petitioner the said decision cannot be faulted as being arbitrary and unreasonable as it would not be obligatory on the authority to conduct an indepth investigation as to the claims of the petitioner if the same are not clearly discernable from the material as furnished.*

*27. The facts in the case of Renusagar (supra) are also materially different. In the said case a public company had set up its captive power plant under the form of a separate wholly owned subsidiary. The Government also recognized the holding company as having its own source of power generation and took advantage of it for the purposes of imposing power cuts. The day-to-day affairs of the subsidiary were also conducted by the holding company. It was apparent that the wholly owned subsidiary was in fact functioning as a division of the holding company and the power generated was for the captive consumption of the holding company. It is in this context that the court held that the facts implied acceptance of the power plant as being owned by the holding company and merely because the captive power plant had been set up in a wholly owned subsidiary the same would not take anything away from the fact that it continued to be a captive power plant of the holding company. The*



*said decision is thus of no assistance to the petitioner.*

*28. We are unable to accept that the action of the respondent in rejecting the Pre-Qualification Qualifier bid of the petitioner is contrary to the NIT or offends Article 14 of the Constitution of India. Accordingly, we dismiss the present petition and the pending application. The parties are left to bear their own costs.”*

*11. The petition being without merit is dismissed.*

*12. The pending applications are dismissed as having become infructuous.”*

*10. In view of the admitted fact, that there is no stay on the operation of the said judgment dated 06.02.2026, we are bound by the opinion already expressed in the said judgment on identical facts and between the same parties. We are, therefore, not persuaded to keep the petition pending and grant an interim stay, as prayed for.*

*11. The present petition is dismissed.*

*12. Pending applications, if any, are disposed of.”*

7. At this stage, Mr. Naman Joshi, learned counsel for the petitioner states that the writ petition which was decided by this Court relating to Embassy of India, Abu Dhabi being W.P. (C) 1533/2026 which was dismissed by this Court on 06.02.2026, an SLP (C) 6575/2026 was filed wherein the Supreme Court was pleased to direct the respondents not to take a final decision in said tender.

8. He also states that even in the judgment dated 27.02.2026 in W.P. (C) 2760/2026, **BLS-E Services Limited v. Union of India & Anr.** decided by this Court, an SLP has been filed vide diary no.13119/2026 and the Supreme Court was pleased to direct the respondents not to take a final decision in the said tender, as well.

9. He submits that, in view of the order passed by the Supreme Court, at least, protection be granted to the petitioner inasmuch as the respondents be



directed not to take any decision on the tender for a week till the petitioner approaches the Supreme Court.

10. This Court is not in agreement with the last submission made by Mr. Joshi. For parity of reasons, we are of the view that this writ petition also needs to be dismissed. We order accordingly.

11. Pending applications, if any, is disposed of.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**MARCH 11, 2026/msh/IB**