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

% *Date of Decision : 25.02.2026*

+ W.P.(C) 2567/2026 & CM APPL. 12481/2026

SHIVA BUILDTECH PRIVATE LIMITED .....Petitioner

Through: Mr. Ramesh Kumar, Mr. Ashutosh  
Prakash, Advs.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE  
DEVELOPMENT CORPORATION LTD. ....Respondent

Through: Mr. Deepak Thukral, 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 seeking the following prayers: -

*“(a) To issue a writ of mandamus or any other appropriate writ, order or direction, to quash and set aside the Impugned decision dated 17.02.2026 as illegal, arbitrary, unreasonable, unfair, unconscionable, as also against the principles of fair-play, equity and natural justice”*

2. The challenge in this writ petition is primarily to a communication dated 17.02.2026 of the respondent, whereby they have declared the petitioner's bid for work of NH-301 Kargil-Zaskar Road from Design km 6.000 to km 30.040 of 24.040 km length in the Union Territory of Ladakh



on Engineering, Procurement & Construction [‘EPC’] mode, including the additional perfection works for widening and upgradation of 2 lanes with paved shoulder of Balance work of NH 301 Kargil-Zaskar Road from Design km 30.040 to km 57.000 of 29.960 km length in the Union Territory of Ladakh on EPC mode, as non responsive.

3. It is a conceded position that the petitioner and one M/s Haidary Construction Pvt. Ltd., formed a joint venture, which was awarded the work by the respondent vide letter of acceptance dated 31.03.2021.

4. The said work has resulted in a dispute inter se parties, which is pending adjudication before the learned Arbitrator appointed by this Court.

5. As the contract has been terminated, it is for that balance work that fresh tenders were invited by the Respondent vide NIT issued on 20.08.2025.

6. The case of the petitioner is that the respondent has issued termination-cum-debarment order on 12.06.2025. It is also the considered position that this debarment has been stayed by this Court vide order dated 04.10.2025.

7. The subject matter of this petition is primarily the rejection of the bid of the petitioner by the respondent as being non-responsive.

8. The submission of Mr. Ramesh Kumar, learned counsel for the petitioner, is that the respondents have now spelt out the reason that the bid is non-responsive. In any case, the submission is that the respondent has through portal sought information from the petitioner, on the information not disclosed on the termination-cum-debarment order.

9. He submits that the information as sought by the respondent, has been given vide letter dated 06.01.2026.



10. He submits that even after giving such information, the impugned communication dated 17.02.2026 has been passed, which, according to him, is clearly illegal.

11. He states that the consequence of the same is that the financial bid submitted by the petitioner is not being considered/opened.

12. On the other hand, learned counsel for the respondent submits that even if the debarment order had been stayed by this Court, the petitioner was required to disclose the same in his bid. Since the petitioner did not mention the said fact in the bid the information was sought, and based on the reply received, the impugned communication was issued, treating the bid as non-responsive. It is thus contended that there is no illegality in that regard.

13. We have heard the submissions of learned counsel for the parties. Though the petitioner has not referred to the fact that the debarment order has been stayed, surely, the effect of the stay of the debarment order is that prima facie the said order is not in existence against the petitioner herein.

14. The respondent herein having called for the information and the petitioner having given the information to the respondent, prima facie, we are of the view that the respondent could not have made the bid non-responsive.

15. In these circumstances, and also the counsel for the respondent intends to file a reply, we grant one week time to the counsel for the respondent to file a reply to the petition.

16. As during the course of the hearing, we have been informed that the financial bids are to be opened today, we grant liberty to the respondent to open the financial bids, but shall not take further action thereon, till the next date of hearing.



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17. Two days are granted to the petitioner to file the rejoinder thereafter.
18. List the petition on 09.03.2026.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**FEBRUARY 25, 2026/mt**