



2025:DHC:9470-DB



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

+ **W.P.(C) 16222/2025 & CM APPL. 66365/2025**

**M/S. M K JEE TRADERS** ...Petitioner

Through: **Mr. Arpit Sharma, Advocate.**

versus

**GOVERNMENT OF NCT OF DELHI & ORS.** ...Respondents

Through: **Mr. Sameer Vashisht, Standing Counsel (Civil) and Ms. Harshita Nathrani, Advocate for GNCTD.**

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***Date of Decision: 28<sup>th</sup> October, 2025***

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**J U D G E M E N T**

**TUSHAR RAO GEDELA, J: (ORAL)**

1. Present writ petition has been filed under Article 226 of the Constitution of India seeking quashing of the communication dated 13.10.2025 whereby the technical bid of the petitioner was rejected on the ground of common IP address with another bidder in Tender No.GEM/2025/B/6516763 issued by respondent no.2. It further seeks a direction to the respondents to forthwith consider the technical and financial bid of the petitioner on its merits, in accordance with the terms and conditions of the tender.

2. It is stated that Tender No.GEM/2025/B/6516763 dated 02.08.2025 was issued by the respondent no.2/Sanjay Gandhi Memorial Hospital, Govt. of NCT of Delhi, for Repair of Hospital Furniture (Medical/Non-Medical)



General Items, Electrical and Medical Instruments/Small Equipment etc., and floated on the Government e-Marketplace (GeM) Portal. It is the case of the petitioner that it duly submitted its technical bid through the GeM portal, however, the respondent no.2 arbitrarily rejected the petitioner's bid on a technical ground, alleging that the IP address used for submission of the petitioner's bid was similar to another bidder's IP address, thereby treating it as a ground for disqualification. Aggrieved by this, the petitioner submitted a representation to the respondents *vide* letter dated 14.10.2025, however to no avail, constraining the petitioner to invoke the writ jurisdiction of this Court.

3. Learned counsel for the petitioner states that the tender documents contain no such term or condition stipulating that the bidders are prohibited from submitting their bids through the same IP address nor is there any provision to the effect that the bids submitted from a common IP address would result in rejection or disqualification. It is contended that the bidders are bound solely by the terms expressly set out in the tender documents. Thus, the tendering authority having failed to incorporate any restriction regarding the use of a common IP address, cannot now rely upon this ground to reject or disqualify the petitioner's bid.

4. Learned counsel for the petitioner also further states that by way of letter dated 14.10.2025, the petitioner had given sufficient reasons and explanation as to why its bid should not be rejected. In that, the petitioner had explicitly clarified that it has no nexus with the other bidder i.e. M/s. Super Care and therefore, its bid may be considered in accordance with the terms of the tender. Learned counsel submits that the respondents have not responded to the aforesaid clarification, constraining the petitioner to approach this Court for appropriate reliefs.



5. *Per contra*, Mr. Vashisht, learned Standing Counsel for GNCTD submits that even though the tender documents may not have contained the prohibition or bar of two bidders using the same IP address for submission of their bids, however, the conditions on the GeM portal itself stipulated the bar in Note-9 of the general instructions. He states that the said condition was specifically inserted to safeguard the tendering authority from any possible instance of collusion between two or more bidders. He also emphasizes that such condition also appears to have been engrafted to prevent cartelisation. He further states that even in the letter dated 14.10.2025, the petitioner has not provided any explanation as to why both, the petitioner as also M/s. Super Care have used the same IP address for submission of their bids. In such circumstances, he states that the rejection of the bids of the petitioner as also of M/s. Super Care was warranted to rule out collusion between the said bidders. According to him, the procedure adopted being based on public policy would ensure that the tendering authorities are insulated and kept safe.

6. We have heard learned counsel for the parties and perused the documents on record.

7. Though it is admitted by the respondents/tendering authority that the tender document is bereft of such prohibition, yet the Note prescribed by the GeM portal for the bidder cannot be said to have no force, particularly, on account of the fact that such prohibition or restriction would prevent possible collusion between the bidders. The said Note-9 is extracted hereunder for clarity:-

*“9. GeM is capturing and showing the IP addresses used by the buyer and the seller(s) in this bid. The IP addresses shown post clicking the ‘View IP address’ button are to help the buyer make an informed decision and adequately safeguard itself against any possible instance of collusion.”*



A bare reading of the said Note appears to indicate that the safeguard is not only for the bidders but also inserted to rule out instances of collusion between the bidders and thereby keep the tendering authority as also the tendering process insulated.

8. Moreover, we also find from the letter dated 14.10.2025 that the petitioner has only claimed that it has no connection or knowledge whatsoever about the firm M/s. Super Care. However, no explanation as to why the IP address of both the bidders is common, is at all forthcoming in the said letter. Learned counsel for the petitioner had orally submitted that the use of same IP address may have occurred as the consultant who had uploaded the bid of the petitioner as also of M/s. Super Care is common. Even this explanation does not appeal to us. This is for the reason that, (i) it appears to be an afterthought as no such explanation was tendered in the letter dated 14.10.2025 and; (ii) the said submission actually does not rule out the possibility of collusion between the parties. In any case, the tendering authority and/or the GeM portal is expected to safeguard its interests and that of the public exchequer by stipulating such conditions which would not only ensure transparency and fairness but also insulate it from unscrupulous bidders.

9. Much was argued on the aspect that such condition not being part of the tender document could not have been pitched against the petitioner to disqualify its bid. It was also argued that had such condition been made known in the tender document itself, the petitioner would surely had taken adequate measures to avoid such error. Surely, when a bidder submits its bid on the GeM portal, it is expected that such bidder would also be aware of the



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general instructions of submission of a bid *via* the said portal. It is not the case of the petitioner that no such condition or note was available on the GeM portal. In that view of the matter, even this argument does not commend itself to us.

10. In view of the above, we do not find any merit in the writ petition, which is hereby dismissed without any order as to costs.

11. Pending application also stands disposed of.

**TUSHAR RAO GEDELA, J**

**DEVENDRA KUMAR UPADHYAYA, CJ**

**OCTOBER 28, 2025/kct/rl**