



2026:DHC:7965-DB



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

% **Date of decision: 16.09.2026**

CNR No. DLHC010417692026

CNR No. DLHC010415962026

+ W.P.(C) 12845/2026 CM APPL. 59655/2026 CM APPL. 63173/2026

VERTEL DIGITAL PRIVATE

LIMITED & ANR.

.....Petitioners

Through: Mr. Rohan Talwar and Ms. Mishi Gupta, Advs.

versus

CENTRAL RESERVE POLICE
FORCE & ORS.

.....Respondents

Through: Ms. Avshreya Pratap Singh Rudy, CGSC with Ms. Urvashi Basak, GP, Ms. Usha Jamnal, Ms. Nyasa Shama, Mr. Siddhant Nagar, Mr. Abhinav Mall, Ms. Nishtha Dhall, Advs. for R-1.

Mr. Ajay Kumar Singh (DIG), CRPF
Ms. Binsy Susan, Mr. Akshay Sharma, Mr. Vishal Hablani and Ms. Khushbu Turki, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

AVNEESH JHINGAN, J. (ORAL)

1. This writ petition is filed seeking quashing of the disqualification order dated 21.07.2026 and rejection of the representation vide



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communication dated 28.08.2026.

BRIEF FACTS

2. The brief facts are that the petitioner is engaged in the manufacture of secure digital and analogue radio communication equipment under the brand name 'Vertel Digital'. On 31.12.2025, respondent no.1 invited bids (GEM/2025/B/6982301) for 'Digital VHF Repeater Sets' as per the MHA QR (Q2) and enclosed Additional Terms and Conditions (for short 'T&C') to be complied with by all bidders including disclosure of whether the firm was debarred by the CRPF, GeM, MHA or any other Ministry (in case debarment order was applicable across Ministries) on the date of tender opening. The relevant portion of Clause 11.xlii S. no. 35 of the GeM Bid T&C (hereinafter 'Clause 35') is reproduced below:

"xlii. This Tender/Bid is subject to Indian Laws. New Delhi is the place of performance and jurisdiction of this tender is the Hon'ble Delhi High Court in case of any dispute during the currency of contract/CAMC.

[...]

35)Firms declaration/undertaking that:

- i) I/We/Firm have/has not submitted any false/forged/manipulated/ misleading document in the instant or in any TE in the last 3 years.*
- ii) Central/State Govt, organization/PSU/Public listed company has not found firms document to be fake/misleading in the last 3 year.*
- iii) I/We/Firm am/are/is not insolvent/bankrupt, or subject to liquidation, court receivership or similar proceeding.*
- iv) Contract of firm has not been terminated before completion of the contract due to their fault within the last 3 year.*
- v) Firm (including partner firm) has not refuse the accept the contract during the bidding in the last 3 year.*



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vi) Firm (including associate firm, partner, proprietor, directors) is not under debarment (black listed/banned/suspended etc) by CRPF, GeM, MHA or other ministry (in case debarment order is applicable across ministries) on the date of TE opening.”

3. Two separate bids i.e. technical and financial bids were submitted by the petitioner on 29.01.2026. The technical bid was opened on 31.01.2026. Upon receipt of an anonymous complaint, the respondents vide letter dated 10.02.2026 sought information from the Home Department, Government of Maharashtra (for short ‘Government of Maharashtra’) regarding the proceedings pending against the petitioner. The respondents were supplied with the decision dated 13.01.2026 whereby during the pendency of the enquiry, the petitioner-firm was suspended by the Government of Maharashtra. The relevant portion of the decision dated 13.01.2026 is reproduced below:

**“GOVERNMENT OF MAHARASHTRA
HOME DEPARTMENT**

Accordingly, the matter of suspending M/s Vertel Infotal Pvt. Ltd., New Delhi, (CIN No. U32201DL2008 PTC 178267) and M/s. Vertel Digital Pvt. Ltd., Noida, (UP), (CIN No. U64204DL2007PTC 165775), the supplier companies, from participating in the tender process for purchases by the Police Department, as proposed by the Director General of Police, Maharashtra State, Mumbai office vide proposal no. 2 vide reference was under the consideration of the Government.

GOVERNMENT DECISION:

As proposed by the Director General of Police, Maharashtra State, Mumbai office, regarding the misconduct of the supplier companies M/s Vertel Infotal Pvt. Ltd., New Delhi, (CIN No. U32201DL2008 PTC 178267) and M/s. Vertel



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Digital Pvt. Ltd., Noida, (UP), (CIN No. U64204DL2007PTC165775), related to the purchase of various machinery and equipment for the wireless department of the State Police Force, an order of suspension is being issued against both these supplier companies as per the provisions of rules 5.1 (b) and (c) of Chapter 5 of the revised rulebook attached with the Industry, Energy and Labour Department, No. Bhankhas-20147/Pr. Kr. 82/Part-III/Industry-4, dated 01/12/2016, until the inquiry is completed as per rule 5.4.

2. The said suspension order shall come into effect immediately.

3. This Government Resolution has been made available on the Maharashtra Government website www.maharashtra.gov.in and its reference number is 202601131205007129. This Government Resolution is being issued after being authenticated with a digital signature”

4. On the basis of the information received, the petitioner was disqualified from the present tender process vide order dated 21.07.2026. The representation made by the petitioner on 22.07.2026 was rejected on 28.08.2026. The communication of disqualification was uploaded on the GeM Portal and hence the present petition.

5. The relevant portion of the communication of disqualification uploaded on the GeM Portal is reproduced below:

“As per GeM Bid ATC, clause 11.xlvi Sl No 35 Firm has submitted a false undertaking/declaration that Firm (including associate Firm, partner, Proprietor, directors) is not under debarment (Black listed/banned/ suspended etc) by CRPF, GeM, MHA or other Ministry on the date of Bid Opening. Maharashtra Government vide Marathi letter No. Govt decision No. PEQ/0226/Case No.18/POL-4 dated 13/01/2026 has suspended two associate firms ie M/s Vertel Infotel Pvt Ltd. New Delhi CIN No. U32201 DL2008PTC178267 and M/s Vertel Digital Pvt Ltd. Noida,



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UP CIN No. U64204DL2007PT165775 for failure to provide after sales services/obligations and maintenance issues of Radio Sets and other misconduct. Hence offer of the firm is treated as unresponsive for submitting false declaration against the Terms and Conditions of GeM Bid.”

SUBMISSIONS OF THE PARTIES

6. Learned counsel for the petitioners contends that the undertaking required under Clause 35(vi) was to the effect that the firm including its associate firm, partner, proprietor and director was not debarred/blacklisted/banned/suspended by the CRPF, GeM, MHA or other Ministry. The reference to “other Ministry” was applicable where the debarment order was applicable across Ministries. The argument is that the suspension by the Government of Maharashtra was not covered under Clause 35(vi). In the alternative, it is contended that the order of suspension was the subject matter of SLP (C) no. 5508/2026 and the Supreme Court on 09.02.2026 passed the following order:

- “1. Mr. Guru Krishna Kumar, learned senior counsel has brought to our notice the findings of the suspension order dated 13.01.2026 and has submitted that these findings will have adverse affect on the petitioner as well as its sister concerns in other tenders.
2. While we are not inclined to interfere with the judgment and order passed by the High Court, we clarify that the observations made in the suspension order dated 13.01.2026 will be confined to the present tender and will not have the bearing on other tenders issued by other States.
3. We make it clear that we have not expressed any opinion on the merits of the matter.
4. With these observations, the Special Leave Petition is disposed of.



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5. Pending application(s), if any, shall stand disposed of.”
7. The submission is that the effect of the suspension was restricted to the tender in respect of which the suspension order was passed and could not form the basis for disqualification in the present tender process.
8. *Per contra*, the petitioner had not submitted the bid with clean hands and withheld the factum of suspension by the Government of Maharashtra. The contention is that the respondents came to know about the suspension of the petitioner on the basis of the anonymous complaint received and the suspension order supplied by the Government of Maharashtra. Reliance is on Clause 35(i) that a misleading undertaking was given by the petitioner.
9. The submission is that the reverse auction process was completed before interim relief was granted to the petitioner by this Court and the entire process is at the fag end.
10. Learned counsel for the petitioners, at this stage, on specific instructions from the client contends that the prayer in the present petition is being restricted only to the challenge to the disqualification order 21.07.2026 so as to ensure that it does not operate as an impediment to participate in other tenders.

ANALYSIS

11. The suspension order is the foundation of the disqualification of the petitioner. From a perusal of the decision dated 13.01.2026, it is forthcoming that the suspension order was with regard to suspending the participation of the petitioner in the procurement process of the State Police Department as proposed by the Director General of Police, Maharashtra. The suspension was not across Ministries and was restricted to supplies to be made to the Police Department, Maharashtra. Be that as it may, after the order passed by



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the Supreme Court on 09.02.2026, the position that emerges is that the suspension was confined to the tender in respect of which the suspension order was passed and has no bearing on other tenders issued by other States.

12. The word “debarment” in Clause 35(vi) shall not cover a suspension by the State Police Department debarring the petitioner from participating only in procurement to be made by the State Police Department. In other words, the suspension order was not applicable across Ministries.

13. The contention of learned counsel for the respondents that the petitioner had not made full and true disclosures under Clause 35(vi) and violated Clause 35(i) lacks merit. Under Clause 35(vi), disclosure was to be of debarment by way of blacklisting, banning, suspension, etc. by CRPF, GeM, MHA or other Ministries if the debarment was applicable across Ministries. There was no obligation on the petitioner to disclose other debarments not covered under Clause 35(vi). The suspension by the Government of Maharashtra was not covered under Clause 35(vi) and consequently the non-disclosure neither violated Clause 35(vi) nor Clause 35(i), as no false, forged, manipulated or misleading document was submitted by the petitioner.

14. In view of the above discussion and the restricted prayer made by learned counsel for the petitioner during the course of hearing, the writ petition is allowed. The disqualification order dated 21.07.2026 is set aside.

15. It is clarified that in view of the restricted prayer, setting aside the disqualification order dated 21.07.2026 shall not entitle the petitioner to participate in the present tender.

16. Needless to say, the writ petition itself has been disposed of on merits. There is no interim order continuing thereafter.



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17. All pending applications also stand disposed of.

AVNEESH JHINGAN, J

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 16, 2026/Pa.

Reportable: **Yes**