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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 06.02.2026

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W.P.(C) 1533/2026 CM APPL. 7486-87/2026

BLS E – SERVICES LIMITED

.....Petitioner

Through: Mr. Shashaank Garg, Sr. Adv., with
Mr. Naman Joshi and Ms. Amber
Tickoo, Advs.

versus

UNION OF INDIA & ANR

.....Respondents

Through: Ms Nidhi Raman CGSC with Mr.
Arnav Mittal GP, Mr. Akash Mishra,
Ms. Nikita Singh, 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 by the petitioner with the following prayers:

*“a) Quash the Impugned Communication dated 30.01.2026 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;”*

2. The challenge in this petition is primarily to the impugned



communication dated 30.01.2026 issued by the respondents to the petitioner stating as under:

*"To
 M/s BLS E Services Limited,
 G-4B-1, Extension, Mohan Co-operative Industrial Estate,
 Mathura Road,
 New Delhi-110044 (India)*

This is with reference to Technical Bid submitted by M/s BLS E Services Limited in response to Request for Proposal (RFP) for Outsourcing of CPV Services at Embassy of India, Abu Dhabi and Consulate General of India, Dubai published vide tender No. Abu/Cons/415/17/2025 dated 20 November 2025.

2. The Outsourcing Committee, while examining the Technical Bid documents submitted by your company, had sought clarifications regarding your Mandatory Eligibility Criteria (MEC). In the meantime, and in keeping with the timeline of the process, your company was invited to present the Technical Bid presentation on 15 January 2026. A final opportunity was provided to the company during the presentation to satisfy of the Committee of the company's fulfilment of the Mandatory Eligibility Criteria prescribed in the RFP.

3. As per your bid document and subsequent clarification, your company has claimed experience under the e-Governance/IT related projects of the Government of India. The relevant provision as contained in Chapter V, Para 1(i) of the RFP reads as under -

'The bidder must meet the following mandatory condition - 5 (five) years' experience in e- governance projects/IT-related projects of the Government of India, which requires public dealing, having a minimum average of 100 applications per working day during the last five- year period(Jan 2020 –Dec 2024). Verifiable details of such experience must be provided. 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.”

4. In your technical bid and the subsequent clarifications submitted by your company through emails and during the presentation of technical bid, you have mentioned that the experience stated/claimed in your technical bid is attributable to the company through its subsidiaries, M/s Zero Mass Private Limited and M/s Starfin Indian Pvt Ltd whose relevant contracts and operations have continued under company's ownership and control. In the context of the RFP, the bidding company refers to the entity that submitted the organisational profile and subsequently participated in the tender by submitting both the technical and financial bids. It may be noted that the experience claimed through allied entities, group companies, or subsidiaries is not expressly permitted under the provisions of the RFP.

5. In view of the above, the Outsourcing Committee has determined that your technical bid has failed to meet the Mandatory Eligibility Criteria as per provisions of Chapter V [Para 1(i)] read with Annexure D of the RFP. Therefore, bid of M/s BLS E Services Limited stands disqualified in the tender, in terms of Para A (II) (d) of Chapter XV of the RFP.

*regards
 Prem Chand
 Counsellor(Cons)
 Embassy of India. Abu Dhabi”*

3. The submission of Mr. Shashaank Garg, learned Senior Counsel for the petitioner is that the ground on which the respondent has rejected the bid of the petitioner is by stating that the experience claimed by the petitioner in this technical bid is attributable to the company through its subsidiaries, M/s. Zero Mass Pvt. Ltd. and M/s. Starfin Indian Pvt. Ltd which is not permitted under the provision of RFP, is totally arbitrary as the relevant contracts executed by the aforesaid subsidiaries were under the company's ownership



and control, and the experience in that regard is as much as an experience of the bidder i.e. the petitioner herein.

4. He has relied upon and clause (d) of **Chapter six of the Joint Venture and Consortium** to contend that the said clause contemplates the bidding company and its subsidiaries are not allowed to bid separately for the same tender. We reproduce the clause as under:-

“(d) The Bidding Company and its subsidiaries are not allowed to bid separately for the same tender. A declaration/certificate to this effect must be given by the Bidding Company.”

5. Mr. Garg submits that, the very same petitioner based on the same experience, was found to be qualified in the tender in respect of Indian High Commission, Canberra and the petitioner's bid was technically evaluated. It is a different thing that the petitioner could not meet the minimum threshold to be qualified for the next stage of bid process. His submission is the respondent could not have rejected the present bid which is primarily related to the CPV services at Embassy of India in Abu Dhabi and Consulate General of India, Dubai. He has relied upon the judgment in the case of ***Surguja Bricks Industries Company v. State of Chhatisgarh and Others, 2025 SCCs OnLine SC 2916.***

6. On the other hand, Ms. Nidhi Raman, learned Central Government Standing Counsel for the respondents would contest the plea advanced by Mr. Garg by stating that there is no provision in RFP stipulating the experience of the subsidiary can be read in favour of the bidder. She justifies the impugned letter issued to the petitioner. She relies upon the judgment of this Court in the case of ***Rohde and Schwarz GMBH and CO. Kg v. Airport***



Authority of India and Anr, 2013:DHC:5620-DB to contend the experience of subsidiary cannot be counted as experience of the bidder. Insofar as the parity sought by the petitioner by relying upon the tender submitted in respect of High Commission of Canberra, Australia is concerned, Ms. Raman submits the same was issued by the High Commission in Canberra which was not in the knowledge of Ministry of External Affairs.

7. Otherwise, such a tenderer was not eligible. The petitioner cannot seek a wrong benefit by relying on the tender of Canberra, more so, when the RFP does not contemplate the experience put in by the subsidiaries to be read as the experience of the bidder.

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.



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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.

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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 be 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.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 06, 2026/rt