



\$~9

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

+ **W.P.(C) 8347/2025, CM APPL. 36184/2025, CM APPL. 36185/2025
& CM APPL. 36186/2025**

ANANDAM MINERALS PRIVATE LIMITEDPetitioner

Through: Mr. Arvind Nayyar, Sr. Advocate
with Ms. Megha Karnwal, Mr.
Aaditya Thorat, Ms. Sakshi Singh,
Ms. Sanjukta Kaushik and Mr.
Akshay Joshi, Advocates.

versus

**UNION OF INDIA THROUGH ITS SECRETARY, MINISTRY OF
MINES & ORS.Respondents**

Through: Dr. B. Ramaswamy, CGSC for R-1/
UOI.
Ms. Sonia A. Menon, Advocate for R-
2 with Mr. Setu Dutt Sharma, Sr.
Manager (Operations), MSTC.
Ms. Malvika Trivedi, Sr. Advocate
with Mr. Gaurav Juneja, Ms.
Swastika Chakravarti, Ms. Mimansa
Durga Pal, Advocates for R-3.

**CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

**ORDER
06.06.2025**

%

**CM APPL. 36185/2025 (exemption from filing certified copy of the
impugned notice) and CM APPL. 36185/2025 (exemption from filing
legible/ typed copies of the dim/ illegible annexures)**

1. Exemptions allowed, subject to just exceptions.
2. Applications stand disposed of accordingly.



W.P.(C) 8347/2025 and CM APPL. 36184/2025 (stay)

3. The present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:

“a. The Hon’ble Court maybe pleased to issue the writ of mandamus directing the Respondent No. 1 & 2 to consider the application/representation submitted by the Petitioner on 22.05.2025 and 25.05.2025 and pass the speaking order and /or;

b. That, Hon'ble Court may kindly be pleased to issue a writ in the nature of Mandamus or any other appropriate Writ, order or direction directing the Respondent Nos. 1 to 2 to continue the bidding process of Surajpura Phosphorite Block from the point where the technical error arose and to ensure that the maximum price through this auction is realize; and/ or

c. That, Hon’ble Court may kindly be pleased to issue a writ in the nature of Mandamus or any other appropriate Writ, order or direction quashing the impugned notice dated 27.05.2025 issued by Respondent No. 1 to the extent it declares Respondent No. 3 as preferred bidder and all consequential actions/steps and in the alternative bidding be start from the point of 70.27% as it was disconnected and discontinued from then; and/or”

4. Mr. Nayyar, learned Senior Counsel appearing for the petitioner submits that but for the technical glitch which occurred while the e-auction process was continuing at 09:33 pm on 21.05.2025, the petitioner may have been a successful bidder.

5. He submits that the petitioner had continuously bid in e-auction process from 02:00 pm till around 09:26 pm, when his bid was at 70.22%. He submits that in answer to the bid of the respondent No. 3 at 70.27%, at 09:29 pm, the petitioner sought to enhance the bid to 70.32% after four minutes i.e. at 09:33 pm, however, while attempting to press the submit



button, the screen had gone blank/ white, which continued for around 2-3 minutes. It is this glitch that rendered the petitioner ineligible to participate further, which according to the petitioner was a fault at the end of the respondent No. 2 / MSTC. He submits that despite repeated attempts, the petitioner was unable to submit its next higher bid. In fact, learned Senior Counsel also submits, on instructions, that the petitioner is even today ready to bid at 100%.

6. Issue notice.

7. Ms. Sonia A. Menon, learned counsel accepts notice for the respondent No. 2, Dr. B. Ramaswamy, learned Central Government Standing Counsel accepts notice for respondent No. 1/ Union of India and Mr. Gaurav Juneja, learned counsel accepts notice for the respondent No. 3.

8. Counter-affidavit be filed within 10 days. Rejoinder thereto, if any, be filed within 5 days thereafter.

9. Ms.Menon, learned counsel appearing for respondent No. 2/ MSTC, refutes the allegations made and categorically states that had that been the case as what the petitioner is projecting, the other bidders too would have faced similar issues. She categorically states that none of the other bidders, or any other auction process which was being carried out simultaneously, had even a single bidder complaining about a technical glitch. She submits that *prima facie*, there is no substance in the submissions made by the petitioner.

10. Ms. Trivedi, learned Senior Counsel appearing for the successful bidder/ respondent No. 3, also reiterates the submissions made by Ms. Menon. She submits that if the allegations of the petitioner were indeed correct, the respondent No. 3 would have also not been able to bid.



11. Mr. Ramaswamy, learned CGSC appearing for the respondent No. 1/ UOI submits that in the capacity of the principal, the contract has already been awarded to respondent No. 3 yesterday i.e. 05.06.2025, by the respondent No. 1.

12. The respondent No. 1/ UOI shall file the said documents along with its counter-affidavit. Since the tender auction process has reached to its ultimate stage, it would not be appropriate for this Court, at the moment, to interdict any such process.

13. At this stage, it is agreed by the learned counsel for the parties that since the matter is highly technical in nature, in that whether the technical glitch as alleged by the petitioner is a fact or not, cannot be ascertained by the Court and necessarily has to be referred to an expert body.

14. In that view of the matter, we find it appropriate to direct the Director of Indian Institute of Technology, Delhi (“IIT”) to nominate an Expert Committee comprising of two members to look into the issue of technical glitch on the portal of MSTC/ respondent No. 2 at the relevant point in time. The necessary logs, screenshots and other relevant technical material shall be made available by the petitioner as also respondent No. 2/ MSTC to the said Expert Committee. Parties are directed to give their contact numbers to the Director, IIT, Delhi to enable them to furnish the requisite documents/records. Let the same be done within a period of three days.

15. The Expert Committee, so nominated, shall render its opinion and submit a Report before the Registrar General of this Court within ten days from the expiry of the aforesaid three days.

16. Registrar General shall submit a copy of the aforesaid Report to the learned counsel representing the parties within a day thereafter.



17. Parties may file their objections, if so required, within one day thereafter.
18. The remuneration of the members of the Expert Committee is fixed at Rs.1 lakh each which shall be paid by the petitioner through the Director, IIT Delhi.
19. Parties are expected to extend all cooperation with the said Expert Committee, so constituted as and when required.
20. Registry is directed to communicate this order to the Director, IIT, Delhi forthwith.
21. List this matter on 07.07.2025 before the *Roster Bench*.

TUSHAR RAO GEDELA, J
(VACATION JUDGE)

HARISH VAIDYANATHAN SHANKAR, J
(VACATION JUDGE)

JUNE 6, 2025/PB/SJ