



2024:DHC:7075-DB



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

+ W.P.(C) 12890/2024 & C.M.Nos.53730-53731/2024

GOOD YEAR SECURITY SERVICES R.

.....Petitioner

Through: Mr.Abhay Kumar with Mr.Shagun
Ruhil, Mr.Gaurav Tirupati and
Mr.Karan Chopra, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr.Vikram Jetly, CGSC with
Ms.Shreya Jetly, Mr.Hussain Taqvi,
Advocates for R-1.
Advocate for R-2 (appearance not
given)
Mr. Sugam Kumar Jha with Mr.
Sreedass K.P and Mr. Raghav
Tandon, Advocates for R-3.

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Date of Decision: 13th September, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present writ petition has been filed challenging the Tender No.GEM/2024/B/5347639 dated 31st August, 2024 (“subject tender”) along with its Evaluation Criteria and Request for Proposal (“RFP”) dated 31st August, 2024.

2. Learned counsel for the petitioner states that respondent no.2/Sports Authority of India issued the subject tender on 31st August, 2024 for



providing security and manpower at Major Dhyanchand National Stadium. He states that the subject tender has an estimated cost of Rs.20,65,26,638.02/- with contract duration of two years and a total requirement of 202 guards (196 unarmed security guards and 6 armed security guards).

3. He states that an average annual turnover requirement of Rs.31,00,00,000/- has been inserted in order to weed out small firm and companies, such as the petitioner in the present case. He states that this eligibility condition mandates that any agency participating in the subject tender should have an average annual turnover of almost Rs.93 crores for a period of three years, meaning thereby that the requirement of average annual turnover for past three years is almost five times the actual estimated cost of the subject tender.

4. He further states that as per the marking system in the subject tender, companies having an annual turnover of more than Rs.200 crores and having more than 1250 security personnel, are being awarded the highest marks, which makes it practically impossible for the small players/start ups' and even small firm such as the petitioner to participate and secure the subject tender.

5. He states that as per guideline no.5(A)(i) of the guidelines issued by Central Vigilance Commission vide its Office Memorandum dated 17th December, 2002, average annual turnover during the last three years should be at least 30% of the estimated cost for civil/electrical works.

6. He states that the petitioner submitted a detailed representation dated 06th September, 2024 highlighting various illegalities in the said tender including the excessive average annual turnover as well as the impugned



marking/evaluation scheme. He, however, states that till date no action has been taken upon the same.

7. *Per contra*, learned counsel for the respondent no.2 states that the subject tender is not for one stadium but for five stadiums. He further states that the answering respondent has not received the petitioner's representation dated 06th September, 2024 till date.

8. Keeping in view the aforesaid, present writ petition along with the applications is disposed of with a direction to respondent no.2/Sports Authority of India to decide the petitioner's representation dated 06th September, 2024 by way of a reasoned order in accordance with law within two working days. Though the financial bids are permitted to be opened, yet the work shall not be awarded for a period of one week. In the event the petitioner is aggrieved by the order disposing of the said representation, it shall be at liberty to file an appropriate proceeding in accordance with law. It is clarified that the rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 13, 2024

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