



2026:DHC:5126-DB



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

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Date of Decision: 15.06.2026

+ **W.P.(C) 8151/2026, CM APPL. 38814/2026 & CM APPL. 38815/2026**

R.K. JAIN INFRA PROJECTS PRIVATE LIMITEDPetitioner
Through: Mr. Ankit Jain, Sr. Adv. with Mr.
Vedant Sharma, Mr. Ashish Kumar
Pandey, Mr. Apoor Bansal and Mr.
Shiva Pandey, Advs.

versus

NATIONAL HIGHWAY AUTHORITY OF INDIARespondent
Through: Mr. Namit Saxena, Adv. (*through*
VC)

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA
HON'BLE MS. JUSTICE MADHU JAIN

TEJAS KARIA, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India seeking a direction to the Respondent to permit the Petitioner to participate in the Notice Inviting Tender dated 02.06.2026 (“NIT”).
2. The Petitioner is engaged, *inter alia*, in the business of collection and management of user fee/toll at National Highway projects across the country. On 06.08.2025, the Respondent passed an order debarring the Petitioner



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(“**Debarment Order**”) for a period of one year. Aggrieved thereby, the Petitioner instituted W.P.(C.) No. 12044/2025 before this Court challenging the legality, validity, proportionality, and correctness of the Debarment Order. Judgment in W.P.(C.) No. 12044/2025 was reserved on 20.04.2026 and is yet to be pronounced.

3. The Petitioner is presently operating the Ghamroj Fee Plaza under an agreement valid until 12.08.2026. Pending pronouncement of judgment in W.P.(C.) No. 12044/2025, the Respondent issued the NIT for engagement of a User Fee Collection Agency at Ghamroj Fee Plaza situated on Gurgaon-Sohna NH-248 in the State of Haryana. As per the schedule set out in the NIT, submission of bids commenced on 02.06.2026. The last date and time for submission of bids is stated to be on 16.06.2026 at 11:00 A.M. and the bids are scheduled to be opened on 17.06.2026 at 11:30 A.M. On 08.06.2026, the Respondent also published an updated list of pre-qualified bidders reflecting the status of various agencies, including the Petitioner, however the status of the Petitioner is shown as debarred for a period of one year with effect from 06.08.2025.

4. Learned Senior Counsel appearing for the Petitioner submitted that the debarment imposed under the Debarment Order expires on 06.08.2026, whereas the Petitioner is presently operating the Ghamroj Fee Plaza under an agreement valid until 12.08.2026. It was contended that, before commencement of the contractual period contemplated under the NIT, the Petitioner would cease to be a debarred entity. Accordingly, the NIT pertains to a contractual period that would substantially operate after expiry of the debarment. It was further submitted that exclusion from participation in the



NIT would, in effect, extend the practical consequences of a time-bound debarment beyond its stipulated tenure, notwithstanding that the contractual obligations under the fresh tender would arise only after the debarment period has elapsed.

5. Learned Senior Counsel for the Petitioner further submitted that denial of participation in the NIT would occasion immediate and irreparable prejudice. The NIT constitutes a significant commercial opportunity within the NHAI user fee collection framework. Upon closure of the bid submission process, the Petitioner would irretrievably lose the opportunity to compete for the tender in question. Such loss, it was submitted, is incapable of restitution and cannot subsequently be remedied even if the Petitioner ultimately succeeds in W.P.(C.) No. 12044/2025. It was, therefore, urged that the present case warrants limited protective intervention by permitting the Petitioner to participate in NIT subject to the outcome of W.P (C) 12044/2025 to ensure that the pending adjudicatory process is not rendered infructuous by subsequent events.

6. Learned Counsel appearing for the Respondent submitted that the Debarment Order bars the Petitioner from participating in any tender for a period of one year, irrespective of whether the contractual period contemplated under the NIT commences after expiry of the debarment period. It was contended that the Petitioner cannot claim entitlement to participate in the NIT merely because it would cease to be a debarred entity by the time the contractual period under the NIT begins.

7. Learned Counsel for the Respondent further submitted that the Petitioner had already filed an application seeking interim stay of the



Debarment Order pending final adjudication of W.P.(C.) No. 12044/2025. However, no interim stay against the Debarment Order has been granted by the learned Single Judge, and the said application remains pending. It was, therefore, submitted that the Petitioner is seeking to circumvent the same by instituting the present Writ Petition.

8. We have heard learned Senior Counsel for the Petitioner and learned Counsel for the Respondent.

9. We are unable to accept the submission advanced on behalf of the Petitioner that it ought to be permitted to participate in the NIT on the ground that the contractual period stipulated therein would commence on 12.08.2026, i.e., after expiry of the debarment period. The Debarment Order expressly debars the Petitioner from participating in any tender for a period of one year, i.e., from 06.08.2025 to 06.08.2026.

10. The date of commencement of the contractual period under the NIT is not material so long as the Debarment Order continues to operate against the Petitioner at the time when bid under NIT is required to be submitted. The learned Single Judge has not granted any interim injunction staying operation of the Debarment Order, and the judgment in W.P.(C.) No. 12044/2025 is yet to be pronounced. In these circumstances, the Debarment Order remains operative, and the Petitioner cannot be permitted to circumvent the pending challenge thereto in W.P.(C.) No. 12044/2025 by filing the present Writ Petition.

11. In view of the aforesaid analysis, the present petition is devoid of merit, and the Petitioner cannot be permitted to participate in the Notice Inviting



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Tender dated 02.06.2026. Accordingly, the present Writ Petition, along with the pending applications, is hereby dismissed. There shall be no order as to costs.

TEJAS KARIA, J
(VACATION JUDGE)

MADHU JAIN, J
(VACATION JUDGE)

JUNE 15, 2026

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