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

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Judgment Reserved on: 14.08.2026

Judgment delivered on: 21.08.2026

Judgment uploaded on: 21.08.2026

+ W.P.(C) 11226/2026

ROADWAY SOLUTIONS INDIA INFRA LIMITEDPetitioner

Through: Mr. Dayan Krishnan Sr. Adv., Mr. Sandeep Sharma Sr Adv., with Mr. Samir Malik, Mr. Varad Nath, Mr. Varun Kalra, Mr. Sarthak Manan, Ms. Snehal Kaila, Mr. Krishan Kumar, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Ayush Gaur, SPC with Ms. Ridhi Kapoor, Ms. Shivranjani and Mr. Varun Parasha, Adv.

Sanjay Jain, Sr. Adv. and Mr. Ankur Mittal, Sr. Adv. Mr. with Mr. Abhay Gupta, Ms. Ipshita Dutta, Ms. Simran Goel, Ms. Harshita Sukhija, Mr. Nishank Tripathi, Ms. Rishika Agrawal, Mr. Shreyan Srivastava, Adv.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****MANMEET PRITAM SINGH ARORA, J.**



1. The present petition has been filed under Article 226 of the Constitution of India seeking quashing of the Technical Evaluation Result dated 31.07.2026 ['impugned result'] whereby the petitioner's Technical bid has been declared as 'Non-Responsive' pursuant to the Request for Proposal ['RFP'] dated 23.01.2026 for Package-VIII of the Vadodara-Mumbai Expressway Project.

1.1. The petitioner's bid has been declared 'Non-Responsive' on the ground that it fails to meet with the Additional Work Criteria [Bridges] prescribed under clause 2.2.2.2 (ii) of the RFP, as modified by Corrigendum No. 4 dated 15.04.2026 ['modified clause 2.2.2.2(ii) of the RFP'].

FACTUAL MATRIX

2. Petitioner is an engineering and construction company engaged in the execution of large-scale highway and infrastructure projects including national highways and expressways.

2.1. It is stated that on 23.01.2026 respondent no. 2 i.e., National Highway Authority of India ['NHAI'] issued a RFP bearing Bid/Package No. NHAI/2026/PIU-Surat/VME-Pkg-VIII/e-304898 for the project titled 'Balance Work for Construction of 8-lane Access Controlled Expressway from km 154.600 to km 190.000 of Vadodara -Mumbai Expressway (Jujawa to Gandeva Section) in the State of Gujarat (Package -VIII)' ['subject RFP'] on EPC¹ mode.

¹ Engineering, Procurement & Construction Mode



2.2. It is stated that on 04.05.2026 the petitioner submitted its bid in response to the aforesaid subject RFP together with all the required documents. Thereafter, on 21.05.2026, respondent no. 2 issued a letter to the petitioner seeking clarification, in relation to petitioner's technical bid, and further asked the petitioner to furnish its response on or before 28.05.2026. It is stated that on 03.06.2026, the petitioner submitted its clarification response.

2.3. It is stated that, on 25.06.2026 respondent no. 2, published the Technical Evaluation Result declaring the petitioner's Technical bid as 'Non-Responsive' on the ground that the petitioner had failed to furnish the Provisional Completion Certificate ['PCC'] along with the Experience Certificate in terms of Clause 2.2.2.2 (ii) of the RFP.

2.4. It is stated that aggrieved by the Technical Evaluation Result dated 25.06.2026, the petitioner challenged the rejection by filing a petition W.P.(C) 8524/2026. *Vide* judgement dated 03.07.2026 this Court set aside the Technical Evaluation Result dated 25.06.2026 and directed respondent no. 2 to undertake a fresh evaluation of the petitioner's Technical bid after taking into consideration the PCC dated 30.06.2026.

2.5. It is stated that, on 28.07.2026 respondent no. 2 proceeded to issue a Show Cause Notice ['SCN'] alleging that the petitioner, in order to secure eligibility pertaining to a minimum 'span' length of 53.6 mts., had somehow secured an Experience Certificate dated 17.04.2026 issued by Maharashtra State Road Development Corporation Ltd. ['MSRDC'] which stated a



different 'span' length for the same structure as compared to the earlier Experience Certificate dated 13.05.2023 issued by MSRDC. It is stated that the petitioner was directed to submit its reply to the SCN before 04.08.2026.

2.6. It is stated that, however, even without awaiting the response of the petitioner, on 31.07.2026 the respondent no. 2 published the impugned result declaring the petitioner's bid as 'Non-Responsive'.

2.7. The respondent no. 2 issued a separate letter dated 31.07.2026 setting out the reasons for disqualifying the Technical bid. The said letter records that the petitioner's bid fails to meet the qualification prescribed under Additional Work Criteria (Bridges) prescribed as per modified clause 2.2.2.2 (ii) of RFP.

3. The SCN dated 28.07.2026 and the Technical Evaluation Result dated 31.07.2026 has been impugned in the present writ petition.

SUBMISSIONS OF THE PARTIES

4. Mr. Dayan Krishnan, learned senior counsel for the petitioner stated that the reasons recorded by respondent no. 2 in its SCN dated 28.07.2026, are misconceived.

4.1. He stated that petitioner has been separately supplied with a letter dated 31.07.2026 recording reasons, which form the basis for declaring the petitioner's bid 'Non-Responsive'. He stated that while the decision was notified on 31.07.2026, the letter recording the reasons was provided to the petitioner on 07.08.2026 during the course of the hearing.



4.2. He stated that the allegation of the respondent no. 2 in the SCN dated 28.07.2026 that the information of the 'span' length of the two [2] Vehicular Overpass ['VOP'] at serial nos. 9 and 11 at page 2 of the Experience Certificate dated 17.04.2026 issued by MSRDC was manipulated, by the petitioner, to prove that the petitioner met the eligibility criteria of 53.6 mts., is incorrect. He stated that the Experience Certificate dated 17.04.2026 was issued by MSRDC itself, as per its project records.

4.3. He stated that after the judgment dated 03.07.2026 passed by this Court in W.P.(C) 8524/2026, the respondent no. 2 undertook a fresh evaluation of the petitioner's Technical bid. He stated that respondent no. 2 issued a letter dated 13.07.2026 to MSRDC raising questions with respect to the contents of the Experience Certificate dated 17.04.2026.

4.4. He stated that the contents of the Experience Certificate dated 17.04.2026 issued by MSRDC have been confirmed by MSRDC *vide* its response dated 23.07.2026. He stated that the 'span' arrangement of the two VOPs was confirmed as (a) Ch. 316+759 (VOP): Span — 83.00 m; Effective Span — 2×41.50 m; and.; (b) Ch. 344+075 (VOP): Span — 70.00 m; Effective Span — 2×35.00 m; Solid Slab/Approach Slab — 19.20 m on both sides. He stated that MSRDC also clarified the other queries raised by the respondent no. 2 in its letter dated 13.07.2026. This was confirmed upon examination of the approved General Arrangement Drawings ['GAD'], Design Records, 'as -built drawings' and project documentation. while issuing the response dated 23.07.2026.



4.5. He stated that, thereafter respondent no. 2 issued a SCN dated 28.07.2026 alleging that the petitioner had indulged in fraudulent practice by misrepresenting facts relating to its technical experience and financial capacity. These allegations were made with respect to the contents of the Experience Certificate dated 17.04.2026, issued by MSRDC, submitted by the petitioner along with its bid documents.

4.6. He stated that there is no dispute that a VOP was constructed by the petitioner at Chainage 316+759 and Chainage 344+075 for MSRDC. The sole allegation is confined to the manner in which the 'span' parameter has been described by MSRDC in the Experience Certificate dated 17.04.2026.

4.7. He stated that in the RFP there is no methodology prescribed for certifying the 'span' of a bridge or a structure. It is stated that the length of the 'span' as certified by MSRDC in the Experience Certificate dated 17.04.2026 is based on its record and is as per MSRDC's interpretation of its documents. It is stated that petitioner cannot be held responsible for the certification issued by MSRDC.

4.8. He stated that IRC-5/2024 cannot be unilaterally imported into the RFP. He stated that respondent no. 2 in the SCN has referred to the definition of 'span' under clause 101.43 of IRC-5/2024. He stated that this is not permissible. He stated that the said definition of 'span' cannot be applied to MSRDC, which has issued the certification on the basis of approved GADs, design records, as-built drawings and project documentation.



4.9. He stated that the allegation of the respondent no. 2 that the Experience Certificate dated 13.05.2023 and Experience Certificate dated 17.04.2026, both, issued by MSRDC, for the same project, i.e., Package 07 of the Nagpur-Mumbai Super Communication Expressway Project, [‘Nagpur-Mumbai Project’ or ‘MSRDC project’] have irreconcilable discrepancies, is incorrect and this proceeds on a superficial comparison of the documents. The explanation has been set out more specifically at Ground J(b) of the present petition.

4.10. He stated that pursuant to this Court’s judgment dated 03.07.2026, the jurisdiction of the respondent no. 2 was limited and it did not permit respondent no. 2 to verify the contents of the Experience Certificate dated 17.04.2026. He stated that the judgment dated 03.07.2026 constitutes as an estoppel against the respondent no. 2. He stated that the action of verifying the said Experience Certificate is a fishing and roving inquiry.

5. Mr. Sanjay Jain, learned senior counsel for the respondent no. 2 stated that the issue decided by this Court in W.P.(C) 8524/2026 was pertaining to petitioner’s inability to meet the RFP condition of submission of PCC. He stated that this issue was resolved in favour of the petitioner *vide* judgment dated 03.07.2026. He stated that, at that stage the petitioner’s Technical bid had not been evaluated by respondent no. 2 and evaluation of technical criteria was therefore not a subject matter of the said writ petition.



5.1. He stated that after the pronouncement of judgment dated 03.07.2026, the respondent no. 2 proceeded to evaluate the Technical bid of the petitioner.

5.2. He stated that the evaluation of the bid documents submitted by the petitioner shows that it does not satisfy the criteria of Additional Work Criteria (Bridges) provided under modified Clause 2.2.2.2 (ii) of the RFP, which requires that the intending bidder shall have completed at least one [1] similar Major Bridge or ROB or Flyover having a 'span' equal to or greater than 53.6 mts.

5.3. He stated that the bid documents submitted, by petitioner, for establishing its technical qualification included Experience Certificate dated 17.04.2026 issued by MSRDC pertaining to the MSRDC Project. He stated that the petitioner while bidding for a different project in the year 2023, had earlier submitted an Experience Certificate dated 13.05.2023 issued for the same MSRDC Project.

5.4. He stated that when the respondent no. 2 compared the two Experience Certificates [i.e. Experience Certificate dated 13.05.2023 and 17.04.2026] it found that the contents of the two Experience Certificates were at variance as there was misdeclaration in the Experience Certificate dated 17.04.2026 with respect to construction of a VOP at Chainage 316+759 and Chainage 344+075. He stated that thereafter the respondent no. 2 sought a clarification from MSRDC, which vide letter dated 27.07.2026 reiterated that the information recorded in the Experience Certificate dated



13.05.2023 is correct. He stated that, therefore, the information vis-à-vis the VOP at Chainage 316+759 and Chainage 344+075 in the Experience Certificate dated 17.04.2026 was incorrect.

5.5. He stated that, thus, as per the Experience Certificate dated 13.05.2023, the petitioner had constructed for MSRDC project a VOP at Chainage 316+759 consisting of only two 'spans' of 41.5 mts. each. Similarly, petitioner had constructed a VOP at Chainage 344+075 consisting of only two 'spans' of 35 mts. each.

5.6. He stated that, since as per modified Clause 2.2.2.2 (ii) of the RFP, under of the Additional Work Criteria (Bridges), the bidder had to show its experience of having built a 'span' of equal to or greater than 53.6 mts., and the petitioner does not possess this requisite experience, therefore, the petitioner's bid has been rightly declared as 'non-responsive' *vide* impugned result dated 31.07.2026.

5.7. He stated that the manipulations in the Experience Certificate dated 13.05.2023 and Experience Certificate dated 17.04.2026 are ex-facie evident and on this ground alone the present writ petition should not be maintained.

5.8. He stated that the proceedings in pursuance to the SCN dated 28.07.2026 are pending consideration and this writ petition cannot be entertained against the said SCN.

5.9. He stated that IRC-5/2024 is a part of RFP and this has been explained by the respondent no. 2 in its counter affidavit dated 12.08.2026 at



paragraph nos. 10 to 15. He stated that 'span' has been duly defined in IRC-5/2024 and this is the industry standard followed by all stakeholders.

6. In response, learned senior counsel for the petitioner stated that the condition in modified Clause 2.2.2.2 (ii) of the RFP, which forms the basis of disqualification, pertains to the proposed 'span' arrangement of a Minor Bridge admeasuring 67.00 mts. proposed at Chainage 163+912. He stated that, since this is a Minor Bridge, it does not co-relate with the requirement of modified clause 2.2.2.2 (ii) of the RFP, which refers to experience in a similar Major Bridge or ROB or Flyover. He stated that the proposed Minor Bridge over a Gas Pipeline cannot be the basis for seeking technical qualification of 53.6 mts.

6.1. He further stated that a perusal of the 'as- built drawing' for this Minor Bridge, which forms the part of the RFP confirms that the dimension is 67 mts. He stated that, in the 'as-built drawing', dimensions along skew are shown in bracket and 67 mts. is in brackets.

He stated that the figure mentioned outside the bracket is 37.949 mts. He stated that it is this dimension of 37.949 mts. which is relevant, and if taken into consideration would show that petitioner's experience in the MSRDC project where it has constructed a 'span' of 41.50 mts. at Chainage 316+759 is sufficient.

7. Mr. Mittal, learned senior counsel for the respondent no. 2 rebutted the aforesaid submission of the petitioner *qua* the specifications of the Minor Bridge to be read as 37.949 mts. and not as 67 mts. He stated that MSRDC



has provided the respondent no. 2, the drawings forming the basis of VOPs constructed by the petitioner at Chainage 316+759, which show that 41.50 mts. is the skew dimension, whereas 27.769 sq mts. is the square dimension. He stated that respondent no. 2 has placed on record, as Annexure R-2/1, the letter dated 27.07.2026 issued by MSRDC to respondent no. 2 clarifying the details of the 'span' of VOPs at Chainage 316+759 and Chainage 344+075. The letter also encloses the 'as-built drawing' for the said VOPs.

7.1. He stated that, therefore, the distinction being made of the Minor Bridge by the petitioner on the basis of skew dimension in the drawing with the subject RFP is incorrect and misleading.

7.2. He relied upon the judgment of the Supreme Court in **Agmatel India Pvt. Ltd. v. Resoursys Telecom**² to contend that the respondent no. 2, being the author of the said document, is the best person to interpret its documents and requirements. He stated that the said judgment be considered while evaluating the petitioner's requirement of strict compliance of modified Clause 2.2.2.2 (ii) of the RFP.

7.3. He stated that petitioner herein, while arguing W.P. (C) 8524/2026 had submitted that MSRDC issued a PCC only on 30.06.2026. He stated that the Court relied upon this fact in favour of the petitioner while deciding the said writ. He stated, however, that respondent no. 2 has now learnt that the said submission was false and PCC had been issued by MSRDC for the said MSRDC project earlier as well.

² (2022) 5 SCC 362 at paragraph 19.2 and 36



FINDINGS AND ANALYSIS

8. This Court has heard the learned counsel for the parties and perused the record.

9. The issue arising for consideration is the merits of the challenge raised by the petitioner to the impugned result dated 31.07.2026, which declares the petitioner's bid as 'Non-Responsive'. The respondent no. 2 has provided the petitioner with the reasons for declaring the Technical bid 'Non-Responsive' vide a letter of even date. Prayer clauses (a), (c), (e) and (g) in the writ petition pertain to the said communications.

10. The respondent no. 2 has declared the petitioner's bid 'Non-Responsive' on the ground that it fails to meet with the Additional Work Criteria (Bridges) prescribed under modified clause 2.2.2.2 (ii) of the RFP. The relevant qualification clause reads as under:

“Additional Work Criteria (Bridges):

For normal Highway projects (including Major Bridges/ROB/Flyovers/Tunnels):

If any Major Bridge/ROB/Flyover/Tunnel is (are) part of the project, then **The sole Bidder** or in case the Bidder being a Joint Venture, any member of Joint Venture, **shall necessarily demonstrate additional experience in construction of Major Bridge/ROBs/Flyovers/Tunnel** in the last 07 (seven) financial years preceding the Bid Due Date or till the Bid Due Date i.e. **shall have completed atleast one similar Major Bridge/ROB/Flyover having span equal to or greater than 53.6 mtrs. (80% of the longest span of the structure proposed in this project)** and having structure length equal to or greater than 132 mtrs. (40% of the length of the longest structure proposed in this Project).”

(Emphasis Supplied)



11. The modified clause 2.2.2.2 (ii) of the RFP stipulates that the intending bidder must demonstrate experience of having built a similar Major Bridge or ROB or flyover having 'span' equal to or greater than 53.6 mts. The clause clarifies that 53.6 mts. represents 80% of the longest 'span' of the structure proposed in the subject RFP.

12. The petitioner stated that the relevant structure cross-referenced in the said clause is a Minor Bridge proposed over the Gas Pipeline at Chainage 163+912 where the 'span' arrangement is stipulated as 2x67.00 mts. It contends that the figure of 53.6 mts. stipulated in modified clause 2.2.2.2 (ii) of the RFP is with reference to 'span' of 67.00 mts. of this Minor Bridge. The said structure is reflected at entry no. 3, in the table, at Page A-13 of Schedule A of the subject RFP. The table containing the relevant entry is extracted hereunder and marked with an arrow:

**C. Bridges (Over Gas/Oil Pipe Lines)**

S. No.	Chainage (Km)	Name of Bridge	Span Arrangement c/c expansion (m)	Type of Structure	Total length F/F of Dirt wall (m)	Deck Configuration (m)	Width of Open Median (m)	*Present Status
1	156+370	Minor Bridge over Gas Pipe Line (Skew 17° L)	1 x 34.3	PSC Girder & Slab	34.352	25.00+21.25	3.50	Not Started
2	162+389	Minor Bridge over Gas Pipe Line (Skew 55° R)	1 x 57.487	Steel Girder & Slab	57.574	2 x 21.25	3.50	Not Started
3	163+912	Minor Bridge over Gas Pipe Line and Atgam Khadi (Skew 55.5° R)	2 x 67.00	Steel Girder & Slab	134.088	25.0+ 21.25	3.50	Not Started

* For details, refer Annexure A

13. The impugned letter dated 31.07.2026 issued by Respondent No. 2 records the following reasons for declaring the petitioner's bid 'Non-Responsive':

"Sir,

This is in reference to your bid submitted for the subject project and the subsequent clarifications sought by the Authority during the technical evaluation process & order of Hon'ble High Court dated 03.07.2026 (ref vi).

2. Please refer RFP Clause 2.2.2.2 (ii) of RFP:

***"Additional Work Criteria (Bridges):
For normal Highway projects (including Major
Bridges/ROB/Flyovers/Tunnels):***



If any Major Bridge/ROB/Flyover/Tunnel is (are) part of the project, then The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture, shall necessarily demonstrate additional experience in construction of Major Bridge/ROBs/Flyovers/Tunnel in the last 07 (seven) financial years preceding the Bid Due Date or till the Bid Due Date i.e. shall have completed atleast one similar Major Bridge/ROB/Flyover having span equal to or greater than 53.6 mtrs. (80% of the longest span of the structure proposed in this project) and having structure length equal to or greater than 132 mtrs. (40% of the length of the longest structure proposed in this Project).”

3. The Authority has reviewed your proposal and it has been found that bidder fails to meet the additional work criteria prescribed under Clause 2.2.2.2(ii) of RFP.

4. In the absence of the mandatory documents and information prescribed under the RFP, the eligibility of the Bidder under **Clause. 2.2.2.2(ii) - Additional Work Criteria (Bridges)** cannot be established. Accordingly, the Bid is considered **Technically Non-Responsive** and **not recommended for further consideration in the bidding process.**

5. In addition, Authority reserves its rights to take necessary action as per letter dated 28.07.2026 (ref. vii).

6. This communication is issued without prejudice to the rights and remedies available to the Authority under the RFP and applicable laws.”

14. The respondent no. 2 has contended that the Technical bid submitted by the petitioner fails to show that the petitioner has the requisite experience of having constructed a bridge having a ‘span’ equal to or greater than 53.6 mts., and therefore, its bid has been rejected. It contends that the span length of the VOP constructed by the petitioner for MSRDC’s project has a span



length of 41.5 mts., which does not meet the minimum criteria of equal to or greater than 53.6 mts.

14.1. Respondent no. 2 has further alleged that, in fact, petitioner has submitted an Experience Certificate dated 17.04.2026 issued by its client MSRDC to demonstrate that it had the requisite experience to meet modified clause 2.2.2.2(ii) of the RFP, however, the contents of the said Experience Certificate have been found to be knowingly incorrect, and that the furnishing of such incorrect information constitutes a fraudulent act, which forms the subject matter of the SCN.

15. The petitioner has disputed the stand of the respondent no. 2 that the contents of the Experience Certificate dated 17.04.2026 are incorrect or that it is responsible for the contents of the said Experience Certificate issued by the MSRDC.

15.1. However, on merits of its disqualification, petitioner has contended that its experience of constructing of a VOP at Chainage 316+759 in the project executed for MSRDC satisfies the experience criteria provided in modified clause 2.2.2.2 (ii) of the RFP. The petitioner contends that the 'span' of this VOP at Chainage 316+759 is equal to 83 mts., which surpasses the eligibility criteria of 53.6 mts. as required in the modified clause 2.2.2.2(ii) of the RFP.

16. We have examined the rival contentions of the parties. We find no infirmity in the decision of the respondent no. 2 declaring the petitioner's bid 'Non-Responsive' for not satisfying the experience criteria provided in



modified clause 2.2.2.2 (ii) of the RFP. Upon perusal of the documents, we find that the stance of respondent no. 2 that petitioner's experience in the MSRDC project demonstrates construction of a VOP/bridge having a 'span' of 41.5 mts. and not 83 mts., is correct.

Our deliberations on the rival submissions of the parties are set out hereinafter.

17. The respondent no. 2 stated that the petitioner has relied upon the Experience Certificate dated 17.04.2026 issued by MSRDC for establishing its requisite experience criteria as per modified clause 2.2.2.2 (ii) of the RFP. It stated that petitioner has relied upon the details of the specifications of the VOP enlisted against Chainage 316+759 and Chainage 344+075 respectively, at serial no. 9 and 11 of the relevant table, in the Experience Certificate dated 17.04.2026, to demonstrate that the petitioner purportedly complies with this criteria.

17.1. It is stated that, however, the specifications of the VOPs enlisted at serial no. 9 and 11 of the Experience Certificate dated 17.04.2026 are incorrect and have been mis-declared by the petitioner, to assert false compliance with the experience criteria at modified clause 2.2.2.2 (ii) of the RFP.

17.2. It is stated that respondent no. 2 *vide* letters dated 13.07.2026 and 24.07.2026 sought verification from MSRDC regarding the specifications of VOPs at Chainage 316+759 and Chainage 344+075. It is stated that MSRDC has, *vide* letter dated 27.07.2026, furnished the corrected



specifications of the 'span' arrangement of the VOPs at Chainage 316+759 and Chainage 344+075, which, according to the respondent no. 2, establishes that the petitioner does not possess the required experience of construction of 'span' equal to or greater than 53.6 mts.

17.3. The respondent no. 2 has explained that the necessity to seek a clarification from MSRDC arose due to the irreconcilable contradictions in the Experience Certificate dated 13.05.2023 with the Experience Certificate dated 17.04.2026, both issued by MSRDC. It is stated that the 'span' arrangement of the VOP at Chainage 316+759 and Chainage 344+075 in the Experience Certificate dated 13.05.2023 was at material variance with the specifications of the 'span' arrangement at the same Chainages provided in Experience Certificate dated 17.04.2026.

The respondent no. 2 stated that the clarification *vide* letter dated 27.07.2026 by MSRDC shows that the specifications declared of the 'span' in the Experience Certificate dated 13.05.2023 are correct and specifications of the 'span' in Experience Certificate dated 17.04.2026 are incorrect.

18. We deem it appropriate to extract hereunder the relevant entries in the Experience Certificate dated 13.05.2023 and Experience Certificate dated 17.04.2026 pertaining to the specifications of 'span' arrangement of the VOPs at Chainage 316+759 and Chainage 344+075 respectively.

Relevant extract of Experience Certificate dated 17.04.2026 reads as under:

List of Structure executed by the Subcontractor M/s Roadway Solutions India Infra Ltd.;



Sr. No.	Location	Type of Structure	Span Arrangement(m)	Width (m)
9	316+759	Vehicular Overpass	1x15m+1x55.80m+1x15m	1 x 16
10	328+874	Vehicular Overpass	2x35m	1 x 16
11	344+075	Vehicular Overpass	1x15m+1x53.80m+1x15m	1 x 16

(Emphasis Supplied)

Relevant extract of Experience Certificate dated 13.05.2023 reads as under:

List of Structure executed by the Subcontractor M/s Roadway Solutions India Infra Ltd.;

Sr. No.	Location	Type of Structure	Span Arrangement(m)	Width (m)
10	316+759	Vehicular Overpass	2 x 41.50m	1 x 16
11	328+874	Vehicular Overpass	2 x 35m	1 x 16
12	344+075	Vehicular Overpass	2 x 35m	1 x 16

(Emphasis Supplied)

19. We note that the two Experience Certificates issued by MSRDC inexplicably disclose different specifications of the 'span' arrangement of the VOP for the same locations. The submission of the respondent no. 2 that the information furnished in the two Experience Certificates are inconsistent is prima facie evident.

20. The respondent no. 2 has elected to rely upon the clarification issued by MSRDC on 27.07.2026 with respect to the span arrangement at the said Chainages to substantiate its decision to disqualify the petitioner.



21. The petitioner has not disputed the contents of the clarification letter dated 27.07.2026 issued by MSRDC confirming the 'span' arrangement of the VOPs at Chainage 316+759 and Chainage 344+075 though it challenges respondent no. 2's understanding thereof.

22. In view of the reliance placed by respondent no. 2 on the contents of the MSRDC's clarification letter dated 27.07.2026, which is also not disputed by the petitioner, we deem it appropriate to extract the details of the 'span' arrangement of the VOPs at Chainage 316+759 and Chainage 344+075, certified as correct by MSRDC in its letter dated 27.07.2026, so as to examine the petitioner's claim that whether it satisfies the experience criteria in modified clause 2.2.2.2(ii) of the RFP. The relevant extract of the letter dated 27.07.2026 reads as under:

B. Details of Span of Vehicular Overpasses

Chainage	Span Arrangement (m.)	Total Length of Structure
316+759	02 no.s x 41.50 m	Dirt Wall to Dirt Wall - 83.00 m.
344+075	02 no.s x 35.00 m	Dirt Wall to Dirt Wall - 70.00 m.

As built drawing of above 02 structures is attached herewith for your reference.

The clarification mentioned above may be considered for further necessary action.

23. The respondent no. 2 states that the aforesaid clarification issued by MSRDC demonstrates that the petitioner constructed a bridge having [2] 'span' of 41.50 mts. each at Chainage 316+759 and a bridge having [2] 'span' of 35 mts. each at Chainage 344+075 and therefore the petitioner



cannot rely upon the experience of constructing these VOPs for satisfying the criteria of modified clause 2.2.2.2(ii) of the RFP.

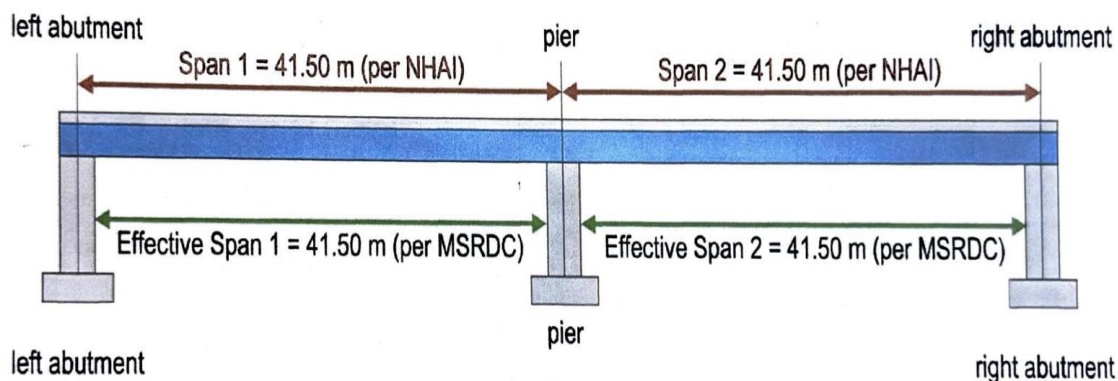
23.1. Further, the respondent no. 2 has contended that the petitioner's submission that length of the 'span' of the VOP at Chainage 316+759 is 83 mts. is fallacious and contrary to the record of MSRDC as well as to all known industry standards.

23.2. It contends that the term 'span' is specifically defined under IRC-5/2024 and is constituted as an accepted industry standard. It is contended that as per the said definition, the 'span' of this VOP is 41.50 mts. and not 83 mts., as alleged by the petitioner. It is stated that IRC-5/2024 is a part of the subject RFP as set out in the counter-affidavit at paragraph 13 and 14. The definition of 'span' in IRC-5/2024 reads as under:

"Span is the horizontal distance between the center lines of adjacent supports of a bridge superstructure, or the maximum distance between the inner walls of a culvert, measured along its axis"

24. The petitioner has provided³ us with the pictorial representation of the VOP at Chainage 316+759 reflecting 'span' of 02 nos. x 41.50 mtrs., which is extracted hereunder: -

³ During arguments on 10.08.2026



24.1. The petitioner, by referring to the aforesaid pictorial representation (at paragraph 24) contends that the length of the 'span' of the VOP at Chainage 316+759 is 83 mts. It contends that the distance has to be measured from the left abutment to right abutment which equals to 83 mts. and thus, satisfies the 53.6 mts. threshold as stipulated under modified clause 2.2.2.2(ii) of the RFP. It disputes the contention of respondent no. 2 that length of the 'span' of this VOP is 2 nos. x 41.50 mts.

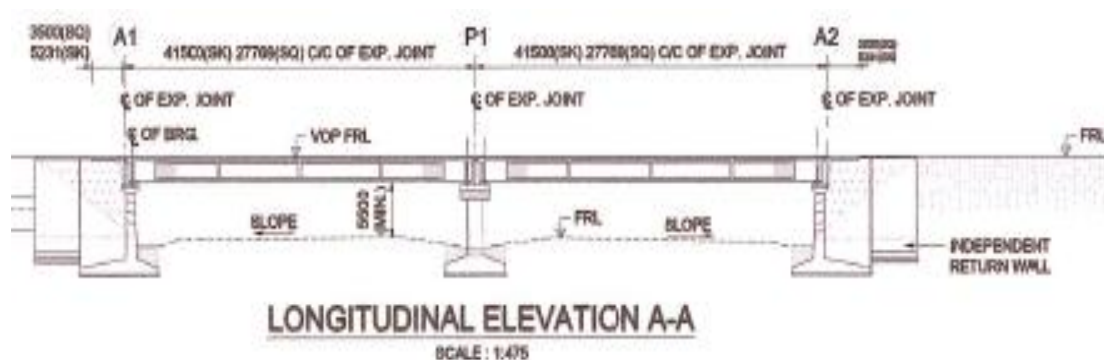
24.2. To sum up, the plea raised by the petitioner is thus that the 'span' of the VOP at Chainage 316+759 is 83 mts. and not 2 nos. x 41.50 mts.

25. The short issue of fact to be decided is, whether the length of the 'span' of VOP at Chainage 316+759 is 41.5 mts. as asserted by respondent no. 2 or is it 83 mts. as asserted by the petitioner?

26. We have perused the clarification letter dated 27.07.2026 issued by MSRDC. The letter encloses the 'as built drawing' of the said VOP. The said letter records that the span arrangements of this VOP at Chainage 316+759 is 02 nos. x 41.50 mts., while separately stating the total structural



length is 83 mts. Also, the ‘as-built drawing’ of this VOP depicts two spans, with the span length as 41.50 mts. each. We find that the manner in which the span of 41.50 mts. has been measured in this drawing is consistent with the definition of ‘span’ under IRC-5/2024, as relied upon by respondent no. 2. The extract of the ‘as-built drawing’ of the relevant VOP shared by MSRDC is as under:



A1

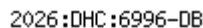
P1

A2

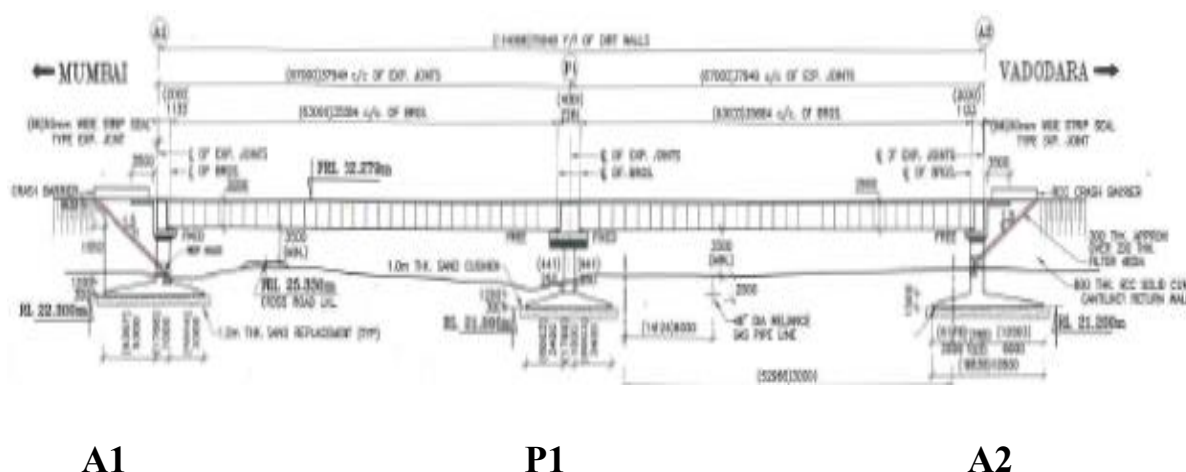
27. The ‘as-built drawing’ of the relevant VOP shows that first ‘span’ has been measured by MSRDC as 41.5 mts. from the abutment marked as A1 to the pier marked as P1; and second span has been measured from pier marked as P1 to abutment marked as A2.

28. The drawing of the relevant Minor Bridge, which is cross-referenced in the modified clause 2.2.2.2(ii) of the RFP is also available on record⁴. The RFP states that the total length of the said bridge is stipulated as 134.088 mts., with its span arrangement of 2 x 67.00 mts. Similarly, when the drawing of the said Minor Bridge is perused, the first span of 67 mts. has

⁴ Annexure A-3, filed alongwith the rejoinder submissions



been shown between the abutment marked as A1 to the pier marked as P1 and the second span of 67 mts. has been shown from pier marked as P1 to abutment marked as A2. The extract of the drawing of the Minor Bridge forming part of the RFP [‘RFP drawing’] is as under:



29. When the drawing of the VOP at Chainage 316+759 shared by MSRDC is compared with the drawing of the Minor Bridge relied upon by respondent no. 2 in the RFP it shows that both authorities (i.e., MSRDC and respondent no. 2) understand the ‘span’ to be the distance between the centre lines of adjacent supports i.e., first ‘span’ from A1 to P1 and second ‘span’ from P1 to A2 respectively.

30. The measure of 67 mts. as the ‘span’ for the Minor Bridge which controls the modified clause 2.2.2.2(ii) of the RFP, as per the RFP drawing is thus, the distance between abutment A1 and pier P1. The petitioner does not dispute this measure of the ‘span’ as 67 mts. and is in admission of the correctness of this measure. The said modified clause of the RFP requires the bidder to show its prior experience of having constructed a bridge having



a 'span' equal to or greater than 53.6 mts., with reference to the aforesaid RFP drawing where the 'span' is measuring 67 mts. between abutment A1 and pier P1, which the petitioner was well-aware. Thus, when the distance between abutment A1 and pier P1 in the drawing of the VOP at Chainage 316+759 supplied by MSRDC is considered, it indeed shows a measure of 41.5 mts. for the 'span' constructed by the petitioner between abutment A1 and pier P1. The respondent no. 2, therefore, correctly understood the contents of the specifications provided by MSRDC for the VOP constructed by petitioner at Chainage 316+759 and rightly concluded that the 'span' is 41.5 mts.

31. In our considered opinion, the submission of the petitioner that 'span' has to be measured from abutment A1 to abutment A2, is misleading and incorrect to its knowledge. The petitioner does not dispute the correctness of the RFP drawing of the relevant Minor Bridge, which forms the basis of the modified clause 2.2.2.2(ii) of the RFP and measures the 'span' from abutment A1 to pier P1 as 67 mts. The respondent no. 2 has applied the same measure while evaluating the 'as-built drawing' supplied by MSRDC and has compared the 'span' length from abutment A1 to pier P1.

32. The definition of span as provided in IRC 5-2024 and relied upon by the respondent no. 2, stipulates that a span is a horizontal distance between the centre lines of adjacent supports of a bridge structure. In the aforesaid drawings, abutment A1 and pier P1 are the adjacent supports.



33. The submission of the petitioner that ‘span’ of the VOP constructed by it at Chainage 316+759 is the horizontal distance between abutment marked as A1 (left abutment) and A2 (right abutment), in the pictorial representation handed over in the Court, as extracted at paragraph 24 above, is incorrect.

34. The specifications of the span arrangement provided by MSRDC’s letter dated 27.07.2026 and the ‘as-built drawing’ of the VOP, substantiates the submission of the respondent no. 2 that the standard of measurement of ‘span’ adopted by respondent no. 2 for assessing the eligibility of the bidders as stipulated under modified clause 2.2.2.2(ii) of RFP is consistent, correct, in accordance with the definition under IRC-5/2024 and the industry standard. The material furnished by MSRDC in its letter dated 27.07.2026 shows that the petitioner’s prior experience extends only to a ‘span’ equal to 41.50 mts.

35. The reliance placed by the respondent no. 2 on the judgment of **Agmatel India Pvt. Ltd.** (supra) is apposite. The respondent no. 2 is the author of the subject RFP and has asserted that its definition of ‘span’ for the purpose of the subject RFP is the distance between the central lines of two adjacent support. This submission of respondent no. 2 is borne out from the Minor Bridge drawing in the RFP and is thus consistent. The decision of respondent no. 2 based on this understanding of the definition of ‘span’ is therefore, neither arbitrary nor irrational.



36. In our considered opinion, the Petitioner cannot, on the basis of the MSRDC project and the VOP constructed at Chainage 316+759, claim compliance with the experience criteria stipulated under modified Clause 2.2.2.2(ii) of the RFP, which requires prior experience of constructing a similar Major Bridge having a 'span' of equal to or greater than 53.6 mts.

37. The petitioner's challenge to the definition of 'span' as provided under IRC-5/2024 and to respondent no. 2's reliance thereon for assessing the petitioner's eligibility is without any substance. We find no merit in the petitioner's submissions that the 'span' length of the VOP at Chainage 316+759 is 83 mts. In our considered opinion, the respondent no. 2 has correctly opined that the 'span' length of the VOP at Chainage 316+759 is 41.50 mts. and the said structure comprises two [2] spans of 41.50 mts. each.

38. The respondent no. 2's conclusion that the 'span' of the said VOP is 41.50 mts. and therefore it fails the 53.6 mts. threshold provided under modified clause 2.2.2.2(ii) of the RFP is duly borne out from the clarification dated 27.07.2026 issued by MSRDC and the 'as-built drawing' enclosed with the said letter. The petitioner has, therefore, failed to substantiate its challenge to the disqualification dated 31.07.2026.

39. The alternate submission of the petitioner that the Minor Bridge enlisted at A-13 of the Technical Schedule to the subject RFP which forms a controlling reference for the qualification stipulated at modified clause 2.2.2.2(ii) of the RFP, does not qualify as a Major Bridge, and therefore, compliance of this criteria should not be insisted upon. In our considered



opinion, this submission of the petitioner is without any merit. The petitioner participated in the bid process with due notice of the qualification criteria in the said clause 2.2.2.2(ii) of the RFP, attempted to comply with it and is therefore bound to establish from the record its compliance with the said qualification criteria.

40. The other alternate submission of the petitioner is that the 'span' measurement of 67 mts. for the proposed Minor Bridge in the subject RFP which forms the basis of modified clause 2.2.2.2(ii) of the RFP, as per the RFP drawing⁵, is a skew dimension, mentioned in brackets as 67000. It is contended that the dimension mentioned outside the brackets is, i.e., 37949 mm. and it is this dimension of 37949 mm i.e., 37.949 mts. which should be taken into consideration for assessing the petitioner's eligibility for modified clause 2.2.2.2(ii) of the RFP. It is contended that if this dimension is taken into consideration, the petitioner's experience of constructing a VOP for MSRDC with 02 nos. x 41.50 mts. will make the petitioner eligible.

41. This submission of the petitioner has been rebutted by the respondent no. 2 with two submissions. Respondent no. 2 stated that 67000 is called the skew dimension and 37949 is the square dimension. It stated that a comparison has to be made with the skew dimension. It referred to 'as built drawing' of the relevant VOP shared by MSRDC, where similarly the 41500 i.e., 41.5 mts. length of the 'span' is marked as a skew dimension and 27769 i.e., 27.769 mts. is recorded as a square dimension. The respondent no. 2

⁵ At annexure A-2 filed along with the rejoinder



contends that therefore the assessment made by respondent no. 2 on the basis of skew dimension of 67 mts. of its Minor Bridge is correct.

42. Having perused the 'as-built drawing' submitted by MSRDC and its clarification dated 27.07.2026, we note that it is the skew dimension of 41.50 mts. for the 'span' arrangement of the relevant VOP which has been mentioned by MSRDC. We therefore find that the submission of the petitioner that the 'span' measurement of the subject RFP for the Minor Bridge should not be assessed with the skewed dimension, as misleading and a red herring.

43. In view of our aforesaid observations and findings, we find no merits in the submissions of the petitioner challenging its disqualification and the reliefs sought in the petition at prayer clauses (a), (c), (e) and (g) are without any merits and are rejected.

NO GROUND TO INTERFERE WITH THE SCN DATED 28.07.2026 AND PROCEEDINGS INITIATED PURSUANT THERETO

44. We also note, with concern, the material contradictions in the contents of the Experience Certificate dated 17.04.2026 and Experience Certificate dated 13.05.2023 issued by MSRDC for the same project, as regards the dimension of the VOPs at Chainage 316+759 and Chainage 344+075 (as extracted above at paragraph 18. The respondent no. 2 was therefore well within its jurisdiction to seek clarification from MSRDC qua these contradictions vide letter(s) dated 13.07.2026 and 24.07.2026.



45. We find no merit in the submission of the petitioner that our judgment dated 03.07.2026 passed in W.P.(C) 8524/2026 precluded the respondent no. 2 from verifying the contents of the Experience Certificate dated 17.04.2026 from MSRDC. The clarification issued by MSRDC on 27.07.2026 *qua* the measurement of the 'span' arrangement at Chainage 316+759 and Chainage 344+075 substantiates the concerns of the respondent no. 2 which led to the issuance of the SCN dated 28.07.2026.

46. The petitioner's plea that it cannot be held responsible for the contents of the Experience Certificate dated 17.04.2026 is untenable. Having obtained and relied upon the Experience Certificate as part of its bid credentials, the petitioner was responsible for verifying its correctness and cannot avoid liability merely because it was not the author. Respondent no. 2 was therefore entitled to hold the petitioner accountable for the veracity of the documents submitted in the bidding process.

47. We refrain from expressing any opinion on the correctness of the Experience Certificate dated 17.04.2026, as the same is presently under enquiry pursuant to the SCN dated 28.07.2026 concerning debarment.

48. In view of the aforesaid findings, the reliefs sought in the petition *qua* quashing of the SCN dated 28.07.2026 at prayer clause (b) is without any merit.

49. The Petitioner may file its reply to the SCN within three [3] days, if not already filed, whereafter respondent no. 2 shall proceed to adjudicate the same in accordance with law. We do not propose to interdict the said



process initiated by the respondent no. 2 by issuing the said SCN. Accordingly, the relief sought qua the Show Cause Notice at prayer clauses (b), (d) and (f) is without any merit and is rejected.

50. The present petition is dismissed for being without any merit with costs of Rs. 25,000/- payable to the respondent no. 2.

51. Pending applications, if any, stands disposed of. Interim orders, if any, stands vacated.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

AUGUST 21, 2026/hp/IB/AJ