

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). ____ OF 2026
[@ SLP (C) NO.5843 OF 2026]**

RAJINDER INFRASTRUCTURE PVT. LTD.

...Appellant(s)

VERSUS

MINISTRY OF DEFENCE & ORS.

...Respondent(s)

ORDER

1. Leave granted.
2. The instant Civil Appeal arises out of the interim order dated 3rd December 2025 passed by the High Court of Sikkim at Gangtok in Writ Petition (Civil) No. 75 of 2025 ("Impugned Order").
3. Short facts relevant for disposal of this appeal are that on 5th May 2025, the Border Roads Organisation ("BRO"), a specialised statutory agency under the Ministry of Defence, Government of India, invited bids for the construction of the Rishi-Rongli-Kupup road in Sikkim, an infrastructure project of strategic importance to our nation. The Appellant (Rajinder Infrastructure Pvt. Ltd.) as well as the Respondent No. 6 (Hill Brow Metallics & Construction Pvt. Ltd.) participated in the

tender process. Pursuant to that process, the Appellant furnished an undertaking on 18th June 2025 and submitted an 'Integrity Pact Format'. On the basis of these and other documents, the Appellant was declared as qualified with respect to the Technical Bid on 4th October 2025. The Financial Bid was opened on 22nd October 2025 and given that the Appellant was found to be the lowest bidder, it was declared as L-1. Consequently, even Letter of Acceptance (LOA) was also issued on 17th November 2025. The Respondent No. 6 was declared as L-2.

4. On 6th November 2025, the Respondent No. 6 issued legal notices to the Appellant and BRO alleging that the Appellant had not disclosed the incomplete ongoing projects and past debarment orders passed against it by the Greater Mohali Area Development Authority (GMADA) and the Punjab Urban Development Authority (PUDA), public authorities established by the State of Punjab, with respect to participation in tenders. Proceeding further, on 12th November 2025, Respondent No. 6 filed a Writ Petition before the High Court challenging the results of the Technical Bid. The Respondent No. 6 prayed that the Summary of Technical Evaluation be set aside, that BRO be enjoined from issuing a Letter of Award ("LOA") in favour of the Appellant, and that the Respondent No. 6 be declared as the selected bidder with respect to both the Technical and Financial Bids. Pending disposal of the Writ Petition, the Respondent No. 6 prayed that the Summary of Technical

Evaluation and all consequential tender processes be stayed.

5. By the order impugned before us, the High Court stayed the Summary of Technical Evaluation dated 4th October 2025 along with consequential steps with respect to the LOA dated 17th November 2025. The Appellant, being the successful bidder, is before this Court, challenging the legality and validity of the interim order passed by the High Court.

6. The Appellant contends that when the Writ Petition came up for hearing before the High Court for the first time on 28th November 2025, its counsel entered appearance and sought a copy of the Writ Petition. The High Court listed the matter on the next working day, i.e., 1st December 2025, and reserved the case for interim orders. The Appellant's grievance is that sufficient opportunity was not accorded to it to contest the Writ Petition. The Appellant further contends that certain important facts related to the case could not be placed before the Court as the High Court proceeded to pronounce the interim order. It is also submitted that the project is of national importance and is to be undertaken in extreme weather conditions.

7. Mr. Anil Kaushik, the Learned Additional Solicitor General, supported the Appellant and argued that projects like this cannot be delayed and that the High Court could not have passed such an interim order unless there are compelling circumstances, which according to him did not

exist at all.

8. Having considered the matter in detail, we are of the opinion that the reasoning adopted by the High Court with respect to the interim direction virtually disposes of the Writ Petition on merits. This could not have been the approach for passing interim orders in matters relating to evaluation of bids, particularly for projects of strategic importance to this nation. Without expressing any further opinion on the merits of the case as the order impugned is interim in nature, we are of the opinion that interest of justice will be subserved if we set aside the interim directions and request the High Court to take up the Writ Petition and dispose it of on merits as expeditiously as possible.

9. For the reasons stated above, the appeal stands allowed, the interim order passed in Writ Petition (Civil) No. 75 of 2025 dated 3rd December 2025 is set aside. The High Court will now take up and dispose of the Writ Petition expeditiously.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
4th AUGUST 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5843/2026

[Arising out of impugned final judgment and order dated 03-12-2025 in WPC No. 75/2025 passed by the High Court of Sikkim at Gangtok]

RAJINDER INFRASTRUCTURE PVT. LTD.

Petitioner(s)

VERSUS

MINISTRY OF DEFENCE & ORS.

Respondent(s)

IA No. 44201/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 48062/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 04-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) :Mr. Niranjan Reddy, Sr. Adv.

Mr. Harshit Sethi, Adv.

Mr. Rahil Mahajan, Adv.

Ms. Mansi Tripathi, Adv.

Ms. Palak Arora, Adv.

Mr. Arya Yadav, Adv.

Ms. Sridevi Dumpa, Adv.

Mr. Nikilesh Ramachandran, AOR

For Respondent(s) :Mr. Anil Kaushik, A.S.G.

Mr. Shreekant Neelappa Terdal, AOR

Mr. Pranjal Singh, Adv.

Mr. Medha Pushkarna, Adv.

Ms. Shambhavi Sharma, Adv.

Mr. Harsh Nitin Gokle, Adv.

Mr. Mukesh Kumar Maroria, AOR

Mr. M. Tarique Siddiqui, Adv.

Mr. Abhishek Kumar Tanwar, Adv.

Mr. Mohd. Faisal Khan, Adv.

Ms. Rohinni Pathania, Adv.

Mr. Wajeeh Shafiq, AOR

Ms. Shagufta Ansari, Adv.

Mr. Rahul Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The Civil Appeal stands allowed in terms of the Signed Order.
3. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
ASSTT. REGISTRAR(NSH)

(Signed Order is placed on the file)