$~34 to 37

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

% *Date of Decision : 05.08.2026*

\# **CNR No. DLHC010296212026**

\+ W.P.(C) 9184/2026 & CM APPL. 43092/2026

ALPS MINING SERVICES PRIVATE LIMITED .....Petitioner
versus
NTPC LIMITED & ANR. .....Respondents

\# **CNR No. DLHC010296232026**

\+ W.P.(C) 9191/2026 & CM APPL. 43127/2026

ALPS MINING SERVICES PRIVATE LIMITED .....Petitioner
versus
NTPC LIMITED & ANR. .....Respondents

\# **CNR No. DLHC010293642026**

\+ W.P.(C) 9233/2026 & CM APPL. 43323/2026

ALPS MINING SERVICES PRIVATE LIMITED .....Petitioner
versus
NTPC LIMITED & ANR. .....Respondents

\# **CNR No. DLHC010293662026**

\+ W.P.(C) 9243/2026 & CM APPL. 43334/2026

ALPS MINING SERVICES PRIVATE LIMITED .....Petitioner
versus
NTPC LIMITED & ANR. .....Respondents

Present : Mr. Sumit Bansal, Sr. Advocate with Mr. Ashish Aggarwal, Ms. Tanya Aggarwal, Mr. Nalin Dhingra and Ms. Tulna Rampal, Advocates for petitioner/Alps Mining Services Private Limited.

Mr. Chetan Sharma, ASG with Mr. Adarsh Tripathi, Mr. Vikram Singh Baid, Mr Ajitesh Garg, Mr. Amit Gupta, Mr. Naman and Ms Muskan Goyal, Advocates for R1/ NTPC.

Ms. Shweta Bharti, Mr. Avdhesh Bairwa, Ms.Tejaswini Chandrashekhar, Ms. Nishi Rathore, Advocates along with Mr. Manoj Kumar, Representative of R-2 /GeM.

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

V. KAMESWAR RAO, J. (*ORAL*)

1. This batch of petitions has been filed seeking a reasonable extension of time for the petitioner to submit its bids on the Government e-Marketplace (GeM) portal/respondent no.2 or in the alternative, a direction to the respondent to cancel the GeM bids dated 06.06.2026 and to issue fresh bids. The details of the bids are as below: -

Case number	Particular of GeM Bid dated 06.06.2026
W.P.(C) 9184/2026	GEM/2026/B/7629446 for procurement of 5,00,000 Metric Tonnes of Domestic coal for NTPC Gadarwara Super Thermal Power Project
W.P.(C) 9191/2026	GEM/2026/B/7627356 for procurement of 5,00,000 Metric Tonnes of Domestic coal for NTPC Solapur Super Thermal Power Project
W.P.(C) 9233/2026	GEM/2026/B/7629534 for procurement of 5,00,000 metric tonnes of Domestic coal for NTPC Kudgi Super Thermal Power Project
W.P.(C) 9243/2026	GEM/2026/B/7623455 for procurement of 5,00,000 metric tonnes of Domestic coal for NTPC Khargone Super Thermal Power Project

2. At the outset, we may briefly narrate the facts as gathered from the record. The petitioner in all four petitions is a company incorporated as per the Companies Act, 2013. The respondent No.1- National Thermal Power Corporation (NTPC) had floated four separate but simultaneous tenders on the GeM portal for procurement of domestic coal for four of its Thermal Power Stations at Gadarwara, Solapur, Kudgi and Khargone. The buyer-added Bid Specific Terms and Conditions of the subject specifically recorded that "*Techno-commercial bids for all the four stations shall be opened simultaneously*". The deadline for submitting the bid was originally 29.06.2026, which was later revised and extended to 06.07.2026.

3. Mr. Sumit Bansal, the learned Senior Counsel appearing along with Mr. Ashish Aggarwal, Advocate, on behalf of the petitioner would submit that on 06.07.2026, between 09.00AM to 10.00AM, the petitioner tried to access the GeM portal but the GeM portal was completely inaccessible to the petitioner. The petitioner reported the same login/access/technical issue to the GeM Helpdesk as well as to the officers of NTPC by email dated 06.06.2026 at 10:23AM.

4. It is the case of the petitioner that it sent other follow up emails on the same day, enclosing screen recordings and screenshots of the persistent error on the GeM portal. Mr. Bansal stated that even the GeM Helpdesk through its email acknowledged the receipt of the complaint and forwarded the same to the concerned department. However, the respondent no.1 denied extension for the submission of the bids, even though the non-submission of the bid by the petitioner was caused entirely due to the action of the respondents.

5. It is the case of the petitioners as contended by Mr. Bansal that the petitioner sent another email seeking extension of bid submission deadline due to the inaccessibility of the GeM portal as the petitioner was unable to participate in the subject tender. The petitioner received an email from the respondent no.2 stating that the concerns of the petitioner would be resolved, however, the expected date of resolution would be 07.07.2026/08.07.2026.

6. Mr. Bansal has stated that the Director of the petitioner company *vide* a detailed email addressed to the officers of NTPC placed on record that the petitioner was fully prepared to submit its bids well before the cut off time of 11:00 AM having already compiled and uploaded all the requisite documents including the Earnest Money Deposit (EMD) as well as the security deposit before the cut off time. The technical glitches in the GeM portal are not attributable to the petitioner. The petitioner had tried several times to submit their bids after clearing cache and cookies and had also raised a formal ticket with the GeM authorities before the cut off time with a copy sent to NTPC.

7. It is contended by Mr. Bansal that it is the procuring entity which is solely responsible for ensuring that the tender process is completed in a fair manner. Declining extension to the petitioner due to the glitches which are attributable to the respondents would tantamount to violation of the rights of the tender participants. To support his submissions, he has relied upon the orders of this Court dated 26.11.2021 and 16.12.2021 in the case of ***Vishwa Traders & Anr. v. Government E-Markteplace (GeM) through its Dy. CEO & Anr., W.P.(C) 11785/2021***. He submitted that the petitioner has been diligent and enthusiastic, to participate in the tender as is clear from the

fact that it had submitted bid security and power of attorney in physical form in person to respondent no.1 as per clause 12.2.1 of the bid document, along with a covering letter on 04.07.2026 itself. Regrettably the respondents who are state authorities obligated to act fairly, have not extended the time for submission of the bids, though, in view of the technical glitch, the respondent no.2 had declared an extension of time on its portal, extending the time to submit bids and RAs to 08.07.2026 at 12:00 PM. He also stated that no prejudice would have been caused to any party by extending time for the submission of the present bids as well to 08.07.2026, as it would ensure maximum participation and fair competition in public procurement.

8. He has prayed the petitions be allowed in the above terms.

9. Ms. Shweta Bharti, the learned counsel for the respondent No. 2/GeM, fairly submitted that on 06.07.2026 certain functionalities of the GeM portal were impacted intermittently. This was reflected on the portal, in the form of a 'ticker', which is a scrolling stream of text usually used to display updates and announcements. It informed that the bids which were scheduled to close on 06.07.2026, would be extended until 12:00PM on 08.07.2026. She stated that this advisory which was displayed is enough to demonstrate the transparency and fairness on part of the respondent No. 2 while conducting the tender process.

10. According to her, as there are over two lakh buyers registered on the GeM portal, it is not practically feasible for GeM to apprise each and every stakeholder about the maintenance issues on the portal. The portal processes approximately 3000 bids daily, which is why GeM runs a ticker on its

platform to issue notifications in the public domain so as to inform all the concerned parties about any new information.

11. Ms. Bharti has also stated that since the GeM portal is a technical tool and always susceptible to technical glitches, tender bidders were advised to submit their bids well in advance so as to avoid such potential issues. In this regard, she has drawn our attention to Clause 4(xiii) (e) of GeM General Terms and Conditions. In case of any operational issues, the bidders are advised to approach GeM Helpdesk. In the present case, the subject bid remained open for a period of 30 days, which enabled prospective bidders to undertake bid submission with due regard in accordance with the timelines prescribed in the bid documents.

12. She stated that the responsibility to submit the bid on time rests solely upon the participating bidder and the GeM portal is only a digital platform, which facilitates the procurement process and does not assume the obligation of ensuring that the bidder does not wait until the last moment to complete the bid submission process.

13. She has also drawn our attention to the fact that on 06.07.2026, notwithstanding the technical issues, several bidders (approximately 29) were able to access the GeM portal and successfully participate in the bidding process across all the four tenders. In this regard, she has drawn our attention to Paragraph no.16 of the affidavit filed on behalf of GeM.

14. Ms. Bharti has also drawn out Annexure R-2 of the said affidavit. She stated that the petitioner has logged in and logged out between 10 AM to 11 AM on 06.07.2026. She stated that the petitioner using multiple devices to

log in on the same account would have further compounded the technical problems on the portal.

15. Mr. Manoj Kumar, Deputy CEO of GeM, who had joined the proceedings through video-conferencing, would submit that as per the log record, the petitioner had attempted logging in between 10:00 AM to 11:00 AM. He stated that if one server is busy/loaded, generally, the traffic is diverted to an alternative server. If all the servers are busy, it is not possible for a bidder to login to the portal. Referring to paragraph 7 of the affidavit, he has fairly stated that there were intermittent glitches in the portal and it is for that reason that the ticker was displayed acknowledging technical issues in the following manner:-

> *"Technical issues were reported on the portal on 06 July 2026 since 9:00 Hrs. Accordingly, the impacted bids and RA (not yet opened) that were scheduled to close during 06 July 2026 09:00 Hrs and 06 July 2026 21:00 Hrs will be extended until 12:00 hrs on 08 July 2026. Buyers are kindly requested to take note, and sellers are advised to participate accordingly."*

16. According to him, the bidders who were able to submit their bids had done so only during the period when the server was intermittently working properly without any glitch. Further, during the time, around 544 enquiries were received by GeM, complaining about the glitch and as well as requesting for new log in IDs. He stated the fairness of respondent no.2 in the conduct of bidding process through portal cannot be doubted.

17. Mr. Chetan Sharma, the learned Additional Solicitor General,

appearing for the respondent No. 1- NTPC would submit that the failure on the part of the petitioner to carry out due diligence to ensure submission of the bids in advance, warrants dismissal of the petitions. He stated that the attempt on the part of the petitioner to log in and submit the bids was primarily between 10:17 AM to 10:49 AM and not before, which clearly demonstrates non-seriousness of the petitioner in submitting the bids. No reasons have been given why the log in/submission of the bids was made at the final hour nearing the closure of the submission of the bids, when some of the bidders had submitted their bids much in advance on 04/05.07.2026. According to him, no contemporaneous record has been filed by the petitioner to show that it had attempted to log in before 06.07.2026 or for that matter between 09:00 AM to 10:00 AM on 06.07.2026. He also stated that the records filed by the GeM portal would reveal that the petitioner was attempting to log in from two devices, which may have contributed to the technical glitch.

18. He stressed on the fact that as many as 29 bidders have submitted their bids between 10:00 AM to 11:00 AM on 06.07.2026 and as such there was no reason for the petitioner not to submit its bids between that period. He stated that the work for supply of coal to four power stations is of utmost public interest and as can be seen from the record, the stock of coal is depleting @ 26% (Kudgi), @ 36% (Gadarwara), @ 33 % (Khargone) and @ 47% (Solapur). Public interest demands obviating any further delay affecting the stock, and in turn, the generation and supply of electricity to the stakeholders. Therefore, this Court shall permit the bidding process be completed at the earliest by dismissing the writ petitions.

19. Mr. Sharma stated that the question whether there was a glitch in the portal is not an issue which can be gone into in a petition under Article 226 of the Constitution of India. He also stated that as the records reveal that the petitioner had attempted to submit the bids only during the last hour of the scheduled closure of the bid, this Court shall not exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to grant any relief to the petitioner. He has relied upon the following two judgments in support of his submissions:-

i. ***Jindal Steel and Power Limited & Anr. v. Union of India & Ors., W.P.(C) 2708/2023, decided on 25.07.2023.***

ii. ***Great Eastern Energy Corporation Limited v. Union of India & Anr., W.P.(C) 4959/2026, decided on 23.05.2026.***

iii. ***Agravanshi Private Limited v. The State of Goa & Ors., 2026:BHC-GOA:1208***

20. Having heard the learned counsel for the parties, it transpires that bids have been invited by GeM on behalf of NTPC for procurement of domestic coal for four of its Thermal Power Stations at Gadarwara, Solapur, Kudgi and Khargone. The submission of Mr. Bansal is that the petitioner had attempted to login to the GeM portal for submitting the bids but the same was completely inaccessible. Even the attempt thereafter was also unsuccessful. From the record that has been filed by respondent no. 2, it is revealed that the petitioner had attempted to login to the GeM portal between 10:17 AM to 11:00 AM.

21. Ms. Bharti had submitted that Annexure R-2 depicts only the logins attempted by the petitioner and there is nothing on record to show that the

petitioner had actually attempted to login to the portal before 10:17 AM.

22. Be that as it may, Annexure R-2 would reveal that the attempts made were unsuccessful. The case of the petitioner as highlighted by Mr. Bansal, is that the petitioner was unable to log in to the portal, and had sent the following emails annexing the screen recordings and screenshots, showing the persistent error on the GeM portal:-

Gmail

Marketing Alps Mining <marketing@alpsmining.co.in>

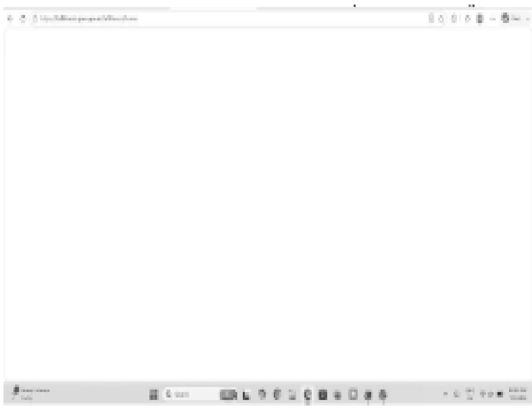
login issue

Marketing Alps Mining <marketing@alpsmining.co.in> Mon, Jul 6, 2026 at 10:23 AM
To: GeM Helpdesk <helpdesk-gem@gov.in>
Cc: sonujikumar@ntpc.co.in, Rajendra Kumar Tiwari <RAJENDRAKUMARTIWARI@ntpc.co.in>

Dear GeM Helpdesk Team,

I am writing to report an issue we are experiencing with the Government e-Marketplace (GeM) portal. We are currently unable to log in to our account.

Please find the attached screenshot which illustrates the specific error message or issue we are encountering.



Could you please look into this matter and provide guidance on how to resolve this so we can regain access to our portal?

Thank you for your assistance,

Best regards,
AMSLPL
7828623231

Gmail — Marketing Alps Mining <marketing@alpsmining.co.in>

login issue

Marketing Alps Mining <marketing@alpsmining.co.in> — Mon, Jul 6, 2026 at 10:38 AM
To: GeM Helpdesk <helpdesk-gem@gov.in>
Cc: sonujikumar@ntpc.co.in, Rajendra Kumar Tiwari <RAJENDRAKUMARTIWARI@ntpc.co.in>

Dear Team
PFA
Thanks & Regards,

AMSPL
7828623231

Recording 2026-07-06 103617.mp4

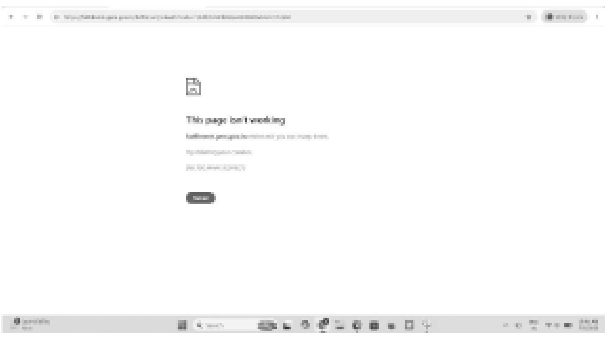
Gmail — Marketing Alps Mining <marketing@alpsmining.co.in>

login issue

Marketing Alps Mining <marketing@alpsmining.co.in> — Mon, Jul 6, 2026 at 10:42 AM
To: GeM Helpdesk <helpdesk-gem@gov.in>
Cc: sonujikumar@ntpc.co.in, Rajendra Kumar Tiwari <RAJENDRAKUMARTIWARI@ntpc.co.in>

Dear Team

PFA



AMSPL
7828623231

23. In response to the emails, the GeM Helpdesk through its email acknowledged the receipt of the complaint and forwarded the same to the concerned department. The emails of the petitioner were at 10:23 AM, 10:38 AM and 10:42 AM that is immediately after the first login attempt at 10:17 AM (as per Annexure R2). A response was received from respondent no. 1

at 10:49 AM rejecting the plea for extension of the bid submission deadline. An email was also received from respondent no.2/GeM portal at 10:49 AM, stating the following:-

> *"Dear Amit,*
> *Greetings from GeM!*
> *We regret the inconvenience caused.*
> *We completely understand your concern and will surely help you with the same.*
> *We have received your request in our portal and we have forwarded your request to the concerned Department.*
> *We shall be working with the concerned team to solve your concern.*
> *We would like to inform you that the current expected time is 07/07/2026 05:41 PM.*
> *We shall get back with a resolution shortly.*
> *We always recommend to retain the same subject line and the Ticket ID for any communication regarding the concern raised. Email sent to any other email IDs will not be monitored.*
> *If you need any further assistance related to any other query on GeM, please feel free to reach through various channels*
> *Mail us at: helpdesk-gem@gov.in*
> *Toll Free Numbers (Inbound): Call*
> *1800-419-3436 I 1800-102-3436*
> *(9:00 am - 10:00 pm Mon to Sat)sss*
>
> *HelpDesk Walk-In Address:*
> *2nd Floor, Jeevan Tara Building, 5-Sansad Marg, Near Patel Chowk, New Delhi-110001*
> *(9:00 am - 6:00 pm Mon to Fri)*
> *Gemmy Chat - (Available at our homepage, left hand side at the bottom. https://gem.gov.in/).*
>
> *Regards,*

Shalu
GeM Helpdesk"

24. In any case, what is important is the stand taken by respondent no. 2 in their affidavit. In paragraph 7 of the affidavit, the respondent no. 2/GeM concedes that there were certain technical glitches reported on the portal on 06.07.2026. The ticker issued by the portal, already reproduced above, stated that there have been some technical glitches since 0900 hours and as the same have impacted the bids and the RA that were scheduled to close on 06.07.2026 at 0900 hours and at 2100 hours respectively, they are extended till 1200 hours on 08.07.2026. In other words, the respondent no.2 has acknowledged the glitches that occurred on the portal.

25. However, during the course of submissions, Ms. Bharti highlighted the fact that the said stipulation could not be made applicable to the bids in the present case, as the technical bids were already opened, on 06.07.2026 itself.

26. We may also note here that according to GeM, 29 participants were successful in submitting their bids on 06.07.2026, as can be seen from the following:-

> *"16. It is further submitted that the bidding process witnessed substantial participation on 06.07.2026 itself across all four (4) tenders. The bid-wise details of the participants who successfully participated on 06.07.2026 are reproduced in the table below.*

S. NO.	*BID NO.*	*STATION*	*NO OF PARTICIPANTS (06.07.2026)*
1.	*GEM/2026/B/7629446*	*Gadarwara (Subject Tender)*	*7*

2.	*GEM/2026/B/7623455*	*Khargone*	*6*
3.	*GEM/2026/B/7629534*	*Kudgi*	*8*
4.	*GEM/2026/B/7627356*	*Solapur*	*8*

27. The answer to this submission can be found in the statements made by Mr. Manoj Kumar, Deputy CEO of GeM, that the glitches were intermittent, and the above participants/bidders were able to submit their bids when the portal was intermittently working. In any case, the fact that 29 participants were able to successfully upload/submit their bids cannot be taken to mean that the petitioner could have also logged in and submitted its bids, more so, when, as per the respondent no. 2 itself, the petitioner did attempt to log in to the portal atleast 27 times between 10:17 AM to 11:00 AM but was unsuccessful. During this period, the petitioner sent emails to the respondents about its inability to access the portal. That apart 544 enquiries were received by the respondent no. 2, during the period, which includes complaints of the portal being inaccessible. It is also a matter of record that on 04.07.2026, the petitioner had submitted the bid security of Rs. 4 crore and POA, as per clause 12.2.1 of the RFP, which surely demonstrates the seriousness of the petitioner to participate in the bidding process. All of the above also show the *bona fide* attempts made by the petitioner to access the portal before 11:00 AM, i.e., the closing time.

28. The petitioner, who had repeatedly tried to submit the bid documents on time cannot be prejudiced by the limitations/ errors that crept, in the portal, by no fault of the petitioner. We note that this Court in the case of ***Vishwa Traders & Anr. v. Government E-Marketplace (GEM) through its Dy. CEO & Anr., W.P.(C) 11785/2021***, while dealing with an issue with regard to the GeM portal, has observed as under:-

"6. The submission of the learned counsel for the petitioner is that the petitioner cannot be made to suffer unduly for no fault of its own. The petitioner kept raising its grievances well before the closing of the tendering process and there was sufficient time available to the respondents, particularly respondent No. 1 to remedy the situation, but no heed was paid to the petitioner's grievance. The petitioner submits that its fundamental right to carry on its trade and business has been compromised due to the aforesaid technical glitch on the GeM portal i.e. respondent No. 1. The petitioner has the right to participate in respect of the public tender, since the respondent is offering a state largesse which the petitioner is equally entitled to avail of.

7. Respondent No.1 does not dispute the fact that there was a technical glitch at its end, which disabled the Petitioner from participating in the tendering process. The submission of learned counsel for the respondent No. 1 is primarily, that the existing technical system of the respondent No. 1 does not permit it to receive any further bids once the tendering process is closed which, in the present case was closed on 18.09.2021. He submits that the portal of the respondent No. 1 is a highly technical portal. At the same time, he submits that the same is constantly being upgraded and improved upon. He has suggested that the only way would be for the respondent No. 2 to agree to cancel the tender in question, and reinvite the bids in which the petitioner could participate.

8. On the other hand, the submission of the learned counsel for the respondent No. 2, is that the requirement of the steel mobile barricades is imminent, since they are required for the forthcoming Republic Day Parade and it concerns the issue of law and order in the city. He submits that respondent No. 2 is ready and willing to accept the bid of the petitioner even at this stage, since only the technical bids have been *opened, and the financial bids of none of the bidders have been opened.*

... ...

10. We have heard learned counsels and considered their respective submissions. The GeM portal has been developed for the Government to migrate to a completely transparent online bidding process with minimal human intervention. Adoption of technology is always preferred since its purpose is to increase efficiency, ease of doing any work, and also to reduce inefficiency and corruption which may result on account of greater human intervention. At the same time, it would be of no use, if the technology as deployed has such inbuilt limitations and lacks flexibility to deal with exceptional situations. It would give no solace to the petitioner, to be told that the problem faced by it in respect of the tender in question, is very rare and that in most cases, the GeM portal is able to deliver the goods efficiently.

11. In our view, the portal developed by GeM should have the flexibility to deal with such-like situations, where it should be possible to override the system, with the express permission of the highest ranking authority and under adequate supervision, so that persons who may have been left out from the bidding process for no fault of theirs, due to a technical glitch in the system, are able to so participate.

... ...

13. The fundamental rights of citizens cannot be sacrificed only because the system developed by respondent No.1 has such limitations. It is for Respondent No.1 to remove/deal with such limitations."

(emphasis supplied)

29. Mr. Sharma has, on the other hand, relied upon the judgments in the cases of ***Jindal Steel and Power Limited & Anr. (supra)*** and ***Great Eastern Energy Corporation Limited (supra)***. We have seen the judgments in both

the cases. In the former case, the Ministry of Coal conducted commercial coal mine auctions, wherein during the live auction, the petitioner therein alleged that the MSTC portal suffered a technical malfunction that prevented it from submitting further bids. As a result, another bidder emerged as the highest bidder and the Ministry declared the auction results. The petitioner contended that, had the portal functioned properly, it would have bid substantially higher, thereby increasing the revenue earned by the Government. It sought a direction to resume the auction from the point at which the alleged glitch occurred or, alternatively, to quash the auction results. In ***Great Eastern Energy Corporation Limited (supra)***, the Directorate General of Hydrocarbons, invited bids for Coal Bed Methane (CBM) blocks. The petitioner therein participated in the bidding process for the Raniganj CBM Block. During the online financial bid stage, the portal displayed a message indicating that the petitioner's net worth was insufficient, preventing completion of its bid submission. The petitioner asserted that this was a technical malfunction because it was otherwise eligible to bid and sought either acceptance of its bid as valid or a fresh bidding process. In both the cases, this Court concluded that the respective petitioners failed to establish any systemic failure, glitches or malfunctions attributable to the portals or the tender inviting authorities. As such, the reliefs sought were denied.

30. The aforesaid would reveal that in the judgments relied upon by Mr. Sharma, there were categorical findings that there was no glitch in the portal, and the Court had held that the reason for the delay in submission of bids leading to the disqualification of the bids were attributable to the

petitioners therein. Such is not the case here. So, the differentiating factor in the cases relied upon by Mr. Sharma and the case in hand is the acknowledgement of the glitches by the GeM portal, resulting in the respondent no.2 extending the date of submission of bids/RA till 08.07.2026.

31. Even in the judgment in the case of ***Agravanshi Private Limited (supra)*** relied upon by Mr. Sharma, the Goa Bench of the High Court of Bombay has held that the petitioner therein had failed to discharge the initial burden to establish even *prima facie* that the alleged disruption emanated from the MSTC portal/platform itself and not due to circumstances attributable to its own technological infrastructure. The Court had also held that there is a complete absence of evidence indicating that any other bidder participating in the auction suffered an identical impediment. It is not such a case here, as is clear from the stand taken by respondent No.2/GeM. Further, as per the submission of Mr. Manoj Kumar, Deputy CEO of GeM, around 544 enquiries were received by GeM around the time, with regard to the glitch and as well as requesting for new login IDs. In that sense, there were other bidders, who were similarly placed like the petitioner, who could not login to the portal for submitting the bid because of the glitch. This is also substantiated by the fact that the respondent no. 2 had displayed the ticker as mentioned in paragraph 15 of this order.

32. If that be so, it must be held that the petitioner was unable to submit its bid documents on time, only due to the technical glitch on the portal. This cannot be attributed to the petitioner, who was proactive in communicating to the respondents to rectify the same. As such, no prejudice should be

caused to the petitioner, which is well within its right to request for an extension of time, or acceptance of its bids. In fact, it is obligatory on part of the respondents, who are public enterprises, to follow a fair procedure and ensure maximum participation and fair competition in public procurement. As it is the case of the petitioner, as contended by Mr. Bansal, that it qualifies the conditions laid down in the RFP documents, declining an extension in these circumstances would amount to excluding a ready and willing bidder for reasons entirely outside its control, which is not desirable. As such, this Court is inclined to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to allow these writ petitions.

33. The question now is what relief can be granted to the petitioner at this stage. We note that the respondents have only opened the technical bids and the financial bids are yet to be opened. In the facts of this case, we are of the view that the petitioner be given an opportunity to submit its bids. Keeping in view the submission of Mr. Sharma that coal stocks are depleting, we are of the view that public interest would be served by directing the respondent no. 2 to open its portal during the course of the day today, i.e., 05.08.2026, and communicate such opening to the petitioner, to enable it to submit/upload its bid documents. The petitioner shall be provided a new login ID to access the portal, which shall be kept open till 5 PM tomorrow i.e. 06.08.2026. If such opening is not technically feasible, the respondent no. 2 shall inform the petitioner about the same by 5 PM today. Upon such a communication, the petitioner shall submit the bid documents physically in a sealed cover to Mr. Manoj Kumar, Deputy CEO, GeM, at his office, on or before 5 PM tomorrow, i.e., 06.08.2026. In either scenario, once the bid is

received, the respondent No.1 shall proceed in accordance with the provisions of the subject RFP.

34. With the above directions, the petitions are disposed of, along with the pending applications. No costs.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

AUGUST 05, 2026/sr