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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ LPA 476/2026, CM APPL. 41460/2026, , CM APPL. 41462/2026,  
CM APPL. 41463/2026, & CM APPL. 41465/2026  
M/S HERMES GROUP .....Appellant  
Through: Ms.Sumitra Choudhary with  
Ms.Jasmine Sheikh, Ms.Nitya  
Sharma, Advs.

versus

DEFENCE RESEARCH AND DEVELOPMENT ORGANISATION  
& ORS. ....Respondents

Through:

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE TEJAS KARIA**

**ORDER**  
**07.07.2026**

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**CM APPL. 41461/2026 & CM APPL. 41464/2026**

1. Having heard the learned counsel for the appellant and perused the averments made in the application seeking condonation of delay, the prayer made therein is allowed and the delay in filing the accompanying appeal is hereby condoned. The delay is also condoned in re-filing the appeal.

2. The applications stand disposed of.

**LPA 476/2026, CM APPL. 41460/2026, CM APPL. 41462/2026, CM APPL. 41463/2026 & CM APPL. 41465/2026**

3. This intra Court appeal challenges the order dated 14.01.2026 passed by the learned Single Judge whereby W.P.(C) 19789/2025 instituted by the petitioner has been dismissed.



4. By way of background, we may note that the appellant had earlier filed a writ petition being W.P.(C) 3723/2025, which was disposed of by the learned Single Judge vide order dated 26.03.2025 directing the Defence Research and Development Organisation (DRDO), the respondent herein to examine its grievance and take an informed decision.

5. Pursuant to the said order passed by the Court on 26.03.2025, the DRDO passed an order dated 01.05.2025 on the representation preferred by the appellant. It is this order dated 01.05.2025 passed by the DRDO, which is under challenge before the learned Single Judge in the underlying writ petition being W.P.(C) 19789/2025.

6. Learned Single Judge while dismissing the writ petition has observed that on perusal of the reasoning given in the order dated 01.05.2025 what is clear is that the cause of action, if any, which can be said to accrue in favour of the appellant is not directly against the DRDO, but it may be against the purported main contractor i.e. M/s Cube Construction Engineers Ltd. Learned Single Judge has, thus, observed that the appellant will be at liberty to agitate its grievances against the said company through appropriate legal proceedings.

7. Having heard the learned counsel for the appellant, we are of the opinion that the instant appeal does not raise any good ground so as to upset the impugned order passed by the learned Single Judge.

8. From the facts, it is clear that pursuant to a tender process one M/s Cube Construction Engineers Ltd. was chosen by the DRDO to execute certain work at Air Force Station, Bhuj. The appellant is the sub-contractor engaged by M/s Cube Construction Engineers Ltd. It further appears to us, as alleged by the learned counsel for the appellant that certain machineries



and equipments were transported by the appellant to the construction site and it is these machineries and equipments, which are now been claimed by the appellant for being taken out of the construction site. If we peruse the order dated 01.05.2025 passed by the DRDO, what we find is that the appellant initially raised a grievance through e-mail dated 27.09.2024 levying certain allegations against the M/s Cube Construction Engineers Ltd. by stating that it is the M/s Cube Construction Engineers Ltd., which have confined the machinery and equipment allegedly belonging to the appellant since 09.02.2024 at the construction site at Air Force Station, Bhuj and they are demanding illegal dues before releasing any asset.

9. The order dated 01.05.2025 further reveals that M/s Cube Construction Engineers Ltd. had written an e-mail communication to the appellant to take over all its machineries/equipments/tools from the site. The order further states that in view of the said feud between the appellant and M/s Cube Construction Engineers Ltd., there is no confinement of the machinery/equipment by DRDO. The order further requests the appellant to take certain machineries/equipments out of the premises and to facilitate the same exit gate passes have also been issued. The gate pass which is contained in Annexure D appended to the said order dated 01.05.2025 mentions five machineries with respective quantities thereof.

10. The submission by learned counsel for the appellant is that it is not only five machineries and equipments, which are lying at the construction site, but there are many other machineries, which were transported as sub-contractor by the appellant. Such a dispute, in our opinion, does not give rise any cause of action to the appellant to institute any proceedings of recovery of the machinery against the DRDO, rather it will be a case where



such a claim can be put forth by the appellant against the main contractor.

11. In view of the aforesaid, we are in complete agreement with the impugned order passed by the learned Single Judge.

12. The appeal, is thus, along with pending applications, stands dismissed.

13. There shall be no orders as to costs.

**DEVENDRA KUMAR UPADHYAYA, CJ**

**TEJAS KARIA, J**

**JULY 7, 2026**

*S.Rawat*