

ITEM NO.47

COURT NO.12

SECTION XIV

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). 2938/2026

[Arising out of impugned judgment and order dated 22-12-2025 in WP(C) No. 19452/2025 passed by the High Court of Delhi at New Delhi]

J.P. INDUSTRIES

Petitioner(s)

VERSUS

DIRECTORATE GENERAL OF HEALTH SERVICES & ANR.

Respondent(s)

IA No. 17995/2026 - EXEMPTION FROM FILING C/C OF I/JUDGMENT, IA No. 17994/2026 - PERMISSION TO FILE ADDL.DOCUMENTS/FACTS/ANNEXURES

Date : 18-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Parties

Mr. Mohit Kumar Gupta, AOR

Ms. Swati Ghildiyal, AOR

Mr. Nimesh Bhatt, Adv.

Ms. Sonakshi Sinha, Adv.

Mr. Prem Chand Raikwar, Adv.

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

1. Heard Mr. Mohit Kumar Gupta, learned counsel for the petitioner-company and Ms. Swati Ghildiyal, learned counsel appearing for the official respondent(s).
2. The petitioner-company responded to an e-tender floated

by the respondent(s) on 12.06.2025 for procurement of 399 drugs, for usage in hospitals/dispensaries under the control of respondent no.2-Government of National Capital Territory of Delhi. The petitioner-company submitted a technical bid. However, on 21.11.2025 the respondent no.1 rejected the technical bid of the petitioner-company stating : "Others-blacklisted".

3. According to the respondent no.1, since the petitioner-company submitted its bid for a list of 38 drugs including the drug ""Vitamin A Palmitate Arachis Oil based liquid" which drug had admittedly being blacklisted qua the petitioner-company by office order dated 06.10.2023 made by Uttar Pradesh Medical Supplies Corporation Limited, it's bid was shown as "Others-blacklisted".

4. Learned counsel for the petitioner contends that though in the list of 38 drugs, the said blacklisted drug was mentioned, the price bid was quoted only for 37 drugs and no price bid was quoted for the blacklisted drug.

5. We are of the opinion that on facts vis-a-vis the tender dated 12.06.2025 a decision of the respondent no.1 to treat the bid of the petitioner as non-responsive was correct. On this score, the order/judgment of the High Court does not call for any interference from this Court.

6. At this stage, learned counsel for the petitioner-company inviting our attention to paragraph 6 of the impugned order/judgment of the High Court, expresses an apprehension that the petitioner-company will be treated as blacklisted

from bidding forever only because one of the drugs was blacklisted with effect from 06.10.2023 for a period of three years.

7. We find that the said apprehension is not justified.

8. Ms. Swati Ghildiyal, learned counsel for the respondent no.1 undertakes/states that unless the tender conditions so provide, the respondent(s) will not treat the petitioner-company as disqualified from bidding or treat them/him as blacklisted only because one drug had been blacklisted.

9. Even otherwise we find that blacklisting order was of 06.10.2023 and was for a period of three years and that period is expiring on 05.10.2026, which is hardly about three weeks away from today.

10. Under these circumstances, we hold that no case for interference under Article 136 of the Constitution of India, is made out.

11. The tender process is already concluded and as the counter affidavit indicates, the tender has already been awarded on 12.12.2025 to 59 companies for 235 quotes medicines.

12. Insofar as the apprehension of the petitioner-company about blacklisting is concerned, our above observations takes care of the same.

13. With these observations, the Special Leave Petition is disposed of.

14. Pending application(s),if any, shall also stand disposed of.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)