



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 30548 of 2025(O&M)
Date of Decision: 17.10.2025.**

Agros Impex Private Limited

.....Petitioner

Versus

State of Punjab and others

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Gaurav Chopra, Sr. Advocate
with Mr. Sehajbir Singh, Advocate
for petitioner.

Mr. R.S. Pandher, Addl. AG., Punjab.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside notice inviting tender dated 05.09.2025 (No. PSTS/1361) for 'Selection of Service Provider for Implementation, Operating and Maintenance of Automated Driving Test Track, Personalization of Driving License and providing other allied services for Punjab State Transport Society for a period of 5 Years' on the premise that this notice inviting tender though is for implementation, operating, maintenance of automated driving test track includes other work such as printing of driving license and establishment of RTO, Sewa Kendra which does not have any nexus with the main scope of work. Petitioner also seeks quashing of Clause 13.4.1 of Notice Inviting Tender (NIT) dated 05.09.2025 (Technical Qualification Parameters inasmuch as there is a prescription of essential technical experience for printing PVC cards and for running of Sewa Kendra, whereas the only experience required ought to be

of running ADTT Centers i.e., the primary scope of tender in question. There is a further prayer for setting aside corrigendum No.1 dated 30.09.2025 to the extent that there is a revision/dilution of essential qualification for applying for tender and introduction of experience for ITMS projects. A challenge is also raised to Clause 13.2 which provides for a consortium which may bid/participate in the tender process with number of members in the consortium not exceeding two including the lead bidder on the premise that limiting number of members in a consortium results in reduction of competition.

2. It is pleaded that petitioner-company, a private limited company is already working with the State of Punjab for implementation of High Security Registration Plates (HSRP) in the entire State since 2011. Contract dated 05.02.2024 was also executed between the petitioner and State for implementing 'Harnessing Automobiles For Safety Technology (HAMS Technology) at Automated Driving Test Track, SAS Nagar (Mohali) as a pilot project. It is pleaded that said pilot project was implemented in May 2025 and it has been running successfully. Despite the pilot project being a success, respondent-State for reasons best known to it has issued tender dated 05.09.2025 for Implementation and Maintenance of Automated Driving Test Track.

3. Learned counsel for petitioner vehemently argues that tender dated 05.09.2025 should be set-aside as it includes work of establishment of RTO Sewa Kendra and printing of Driving License which has no nexus with the scope of primary work which is Implementation, Operation and Maintenance of Automated Driving Test Track. It is further contended that limiting the members of consortium to two is an unjustified exercise and in

fact, results in reduction of competition and absence of a fair playing field. Learned counsel for petitioner refers to technical evaluation criteria provided in the DNIT to submit that 15 marks have been allocated towards experience in IT/ITES Services. There is a component of hospitality involved therein which again has nothing to do with primary purpose of tender in question, therefore, petitioner cannot be put to prejudice and peril in as much as it would be competing only for 85 marks to the exclusion of 15 marks kept aside for technical experience in IT/ITES Services including experience in hospitablity. Moreover, dilution of some of the conditions vide corrigendum dated 30.09.2025 is again unjustified and it appears that entire exercise is being carried out by the State to favour some specific entity. The tender document, it is contended, has been copied from a tender document which is published in State of Maharashtra and it is possible that same is crafted to suit some particular entity. Though, it is to be noted, at this stage that on a specific and pointed query, learned counsel for petitioner was unable to point out any specific entity in question; none has been mentioned in the writ petition. It was thus prayed that this writ petition be allowed as prayed for.

4. Learned counsel for State, on advance notice, has opposed this writ-petition while submitting that issuance of tender is not violative of any rules or regulations and has been curated to ensure maximum competition besides ensuring that work in question is carried out seamlessly without any difficulties and hiccups. Restriction of Members of the consortium to two is a valid exercise and State is well within its rights to have prescribed the same. It is further pointed out that allocation of 15 marks is for experience in IT/ITES Services and component of hospitality, i.e provision of tea and coffee is a minuscule component thereof. It cannot be said that 15 marks are

for provision of food and beverages, therefore, petitioner is put to prejudice.

Dismissal of this writ petition was sought.

5. We heard learned counsel for the parties at length and have perused the file carefully with their able assistance.

6. Issuance of tender dated 05.09.2025 for 'Selection of Service Provider for Implementation, Operating and Maintenance of Automated Driving Test Track, Personalization of Driving License and providing other allied services for Punjab State Transport Society for a period of 5 Years' is a matter of record. Plea of petitioner that there was no requirement of issuance of such a tender because petitioner has completed the pilot project at SAS Nagar, Mohali is an argument completely devoid of any merit. Completion of the pilot project in itself cannot be a ground for restraining the State from issuance of such tender and neither can there be such an estoppel in the given facts and circumstances. There is nothing on record to indicate that there had been any such contract of the respondent-State with the petitioner or any assurance extended to it that all further work shall be allotted to it. This argument being devoid of any merit is thus rejected.

7. Insofar as inclusion of work of establishment of RTO Sewa Kendra and Printing of Driving License and providing other elite services for Punjab State Transport Society for the period of five years is concerned, the same is well within the domain of the State to prescribe. It is a settled position that in matters like the present involving policy decisions and issues regarding expertise in particular fields, the Court would be circumspect in causing interference. It is only when it emerges that there are procedural improprieties, arbitrariness, favoritism or non-application of mind in the process that there would be judicial intervention. Hon'ble the Supreme Court

in **Tata Cellular Vs. Union of India, (1994) 6 SCC 651**, laid down the following principles for judicial review of administrative action:-

“94. The principles deducible from the above are:

- (1) The modern trend points to judicial restraint in administrative action.
- (2) The court does not sit as a court of appeal but merely reviews the manner in which the decision was made.
- (3) The court does not have the expertise to correct the administrative decision. If a review of the administrative decision is permitted it will be substituting its own decision, without the necessary expertise which itself may be fallible.
- (4) The terms of the invitation to tender cannot be open to judicial scrutiny because the invitation to tender is in the realm of contract. Normally speaking, the decision to accept the tender or award the contract is reached by process of negotiations through several tiers. More often than not, such decisions are made qualitatively by experts.
- (5) The Government must have freedom of contract. In other words, a fair play in the joints is a necessary concomitant for an administrative body functioning in an administrative sphere or quasi-administrative sphere. However, the decision must not only be tested by the application of Wednesbury principle of reasonableness (including its other facts pointed out above) but must be free from arbitrariness not affected by bias or actuated by mala fides.
- (6) Quashing decisions may impose heavy administrative burden on the administration and lead to increased and unbudgeted expenditure.”

8. In case of **Jagdish Mandal Vs. State of Orissa and others, (2007) 14 SCC 517**, Hon’ble the Supreme Court subsequent to reference to

a number of its earlier judgments laid down the following test to determine the extent of judicial interference in tender matters:-

“22. (i) Whether the process adopted or decision made by the authority is mala fide or intended to favour someone;
Or

(ii) Whether the process adopted or decision made is so arbitrary and irrational that the court can say: "the decision is such that no responsible authority acting reasonably and in accordance with relevant law could have reached;"

(ii) Whether public interest is affected.

If the answers are in the negative, there should be no interference under Article 226. Cases involving blacklisting or imposition of penal consequences on a tenderer/contractor or distribution of State largesse (allotment of sites/shops, grant of licences, dealerships and franchises) stand on a different footing as they may require a higher degree of fairness in action.”

9. In case of **Central Coalfields Limited and another Vs. SLL-SML (Joint Venture Consortium) and others, (2016)8, SCC 622**, Hon’ble the Supreme Court held that whether a term of NIT is essential or not is a decision taken by the entity issuing the tender which should be respected.

10. In the given facts and circumstances, learned counsel for petitioner was unable to point out any illegality or arbitrariness in inclusion of the work of establishment of RTO Sewa Kendra and Printing of Driving License in the tender. This plea is thus rejected.

11. Contention of learned counsel for petitioner that limiting the members of consortium to two is an unjustified exercise is also without merit. We find merit in the argument raised by learned counsel for the State that as the scope of tender included printing of driving license and

establishment of RTO Sewa Kendra, it was decided that consortium of two including the lead bidder would be entitled to participate in the tender proceedings. It was submitted that this would ensure proper and seamless execution of the work in question within the stipulated period and there is no requirement of including multiple members in the consortium which in the experience of the respondent would only lead to unnecessary and avoidable complications.

12. At this stage, it is relevant to refer to Clause 13.2 which reads as under:-

“13.2. Consortium

The Bidder for participation in the Selection Process, may be a single entity or a Consortium, coming together to execute the project. No member at any given point of time, may assign or delegate its rights, duties or obligations under the resultant Agreement except with prior written consent of the PSTS.

No bidder applying individually, or as a member of a Consortium, as the case may be, can be member of another consortia bidding for the project. A consortium partner shall only participate in one consortium bid.

In the event the Bidder is a Consortium, it shall, comply with the following additional requirements:

- a. Number of members in a consortium shall not exceed two (2) including the Lead Bidder;
- b. Members of the Consortium shall nominate one member as the Lead Member (the "Lead Bidder"); further, the members shall not be a part of more than one consortium.
- c. The Lead Bidder shall be authorized and shall be fully responsible for the accuracy and veracity of the representations and information submitted by the Members respectively from time to time in the response

to this RFP.

d. Members of the Consortium shall enter into a binding Joint Bidding Agreement, for the purposes of making the Application and submitting a Bid and executing the project if declared as Successful Bidder as per Terms and Conditions of the RFP.

e. Subject to the provisions of sub-clause (f) above, the Joint Bidding Agreement shall contain the information required for each member of the Consortium and shall, inter alia:

i. Undertake that each of the members of the Consortium shall have an independent, definite and separate scope of work which was allocated as per each member's field of expertise;

ii. Commit to the profit and loss sharing ratio of each member;

iii. Commit to the scope of work, rights, obligations and liabilities to be held by each member; specifically commit that the Lead Bidder shall be answerable on behalf of other members for the performance of obligations under the resultant Agreement, provide a brief description of the roles and responsibilities of individual members; and clearly define the proposed administrative arrangements (organization chart) for the management and execution.

iv. Include a statement to the effect that all members of the Consortium shall be severally liable for all obligations in relation to the Assignment until the completion of the Assignment in accordance with the resultant Agreement; undertake that all Members shall comply with all lock-in requirements set forth in the RFP.

v. **Undertake;**

- o That notwithstanding anything contrary contained in this RFP or the resultant Agreement, the Lead Bidder shall always be liable for obligations of all the consortium Members i.e. for both its own liability as well as the liability of other Members and all other members of the consortium shall always be liable for obligations limited to their scope of work. However, the members of the consortium shall be severally liable for the completion of their respective scope and entire project.
 - o That the Lead Bidder shall be liable for the entire scope of work and risks involved and further shall be liable and responsible for ensuring the individual and collective commitment of each of the Members of the Consortium in discharging all of their respective general obligations under the resultant Agreement.
 - o Each Member further undertakes to be individually liable for the performance of its part of the obligations without in any way limiting the scope of collective liability envisaged in the resultant Agreement.
 - o That the Lead Bidder is liable to manage the complete assignment by taking responsibility of delivery as per scope and maintain transparency around monetary terms.
- f. The technical and commercial capacity of the Members shall satisfy the conditions of eligibility as prescribed in this RFP;
- g. The nomination of the Lead Bidder shall be supported by a Power of Attorney, as per the format in this RFP signed by the other members of the Consortium. The duties, responsibilities and powers of such Lead Bidder

shall be specifically included in the resultant Agreement. It is expected that the Lead Bidder shall be authorized to incur liabilities and to receive instructions and payments for and on behalf of the Consortium. The PSTS expects that Lead Bidder shall have maximum responsibility pertaining to execution of project;

h. Composition change of the consortium is NOT permitted throughout the contract period.

All members of consortium are required to follow the highest level of work ethics, if any member of the consortium has a Conflict of Interest or indulges in "Corrupt or Fraudulent Practices" as described in Clause 20 and 21 under "Instructions to Bidders" during the tendering process (Selection Process); the whole Consortium is liable to be disqualified."

13. It was vehemently argued by learned counsel for petitioner that petitioner would face prejudice with limiting the number of members in consortium to two numbers because the tender requires experience in multiple fields. Reference was made to Clause 13.4 which reads as under:-

“13.4. Technical Evaluation

1. Post Pre-Qualification evaluation, PSTS shall conduct Technical Evaluation against the Technical Criteria defined in the RFP. PSTS will only consider documents submitted as part of Envelope A (including Annexure Set I and Annexure Set II) for Technical Evaluation. No other documents shall be considered for evaluation.

2. This is Lowest Bid based Selection of technically qualified bidders.

3. The Technical Evaluation of Bidders' proposals shall be based on below parameters and the "Technical Score" shall be calculated out of 100 marks and shall be evaluated as below:

Section	Evaluation Criteria	Total Marks
A.	Bidder's Financial Experience	10

B.	Bidder Technical Experience-ADTT	35
C.	Bidder Technical Experience-Cards	10
D.	Bidder Technical Experience-IT/ITeS Services	15
E.	Demo	30
	Overall Technical-Total	100
	Minimum Cut Off	70/100

14. Petitioner has also sought quashing of Clause 13.4.1 to the extent that it provides for technical experience for printing PVC cards as well as running of Sewa Kendra whereas the experience required ought to be for running ADTT Centres only. Clause 13.4.1 reads as under:-

“13.4.1. Technical Qualification Parameters

The Technical Evaluation shall be done as per the parameters and marking system mentioned in table below:

Sl.	Parameters	Point System	Max. Marks												
A.	Financial Criteria		10												
1.	The Bidder (Lead Bidder, in case of Consortium) should have average annual turnover from business of IT / ITES / ADTT during the last three (03) financial years in India: Minimum INR 30 Crore	The Bidder (lead Bidder, in case of Consortium) average annual turnover from business of IT/ITeS/ADTT During the last three (03) financial years in India: <table border="1"> <thead> <tr> <th>Turnover meeting the criteria</th> <th>Marks</th> </tr> </thead> <tbody> <tr> <td><30 Crore</td> <td>Disqualified</td> </tr> <tr> <td>>=30 Crore and <45 Crore</td> <td>07 marks</td> </tr> <tr> <td>>45 Crore and <60 Crore</td> <td>08 marks</td> </tr> <tr> <td>>=60 crore and <90 crore</td> <td>09 marks</td> </tr> <tr> <td>>=90 crore</td> <td>10 marks</td> </tr> </tbody> </table>	Turnover meeting the criteria	Marks	<30 Crore	Disqualified	>=30 Crore and <45 Crore	07 marks	>45 Crore and <60 Crore	08 marks	>=60 crore and <90 crore	09 marks	>=90 crore	10 marks	10
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B.	Technical Criteria-ADTT		35												
2.	The Bidder (Lead Bidder, in case of Consortium) shall have experience of successful execution of at least one ‘Similar Project’ with minimum number of Driving License Tests conducted as on last date of submission of bid, for any central Government/ State or UT Government/Central or State Public Sector Unit in India during last 7 years, covering at least three (03) of below Tracks: <ul style="list-style-type: none"> • Gradient Test Track • Parallel parking Test Track • Forward Eight Test Track 	Total number of ADTT DL Tests in one or more (maximum 3) projects submitted meeting the Criteria: <table border="1"> <thead> <tr> <th>Minimum number of Tests meeting the criteria</th> <th>Marks</th> </tr> </thead> <tbody> <tr> <td><3.85 Lakhs</td> <td>Disqualified</td> </tr> <tr> <td>>=3.85 Lakhs and <5.7 Lakhs</td> <td>14 marks</td> </tr> <tr> <td>>=5.7 Lakhs and < 7.6 Lakhs</td> <td>17 marks</td> </tr> <tr> <td>>=7.6 Lakhs</td> <td>20 marks</td> </tr> </tbody> </table>	Minimum number of Tests meeting the criteria	Marks	<3.85 Lakhs	Disqualified	>=3.85 Lakhs and <5.7 Lakhs	14 marks	>=5.7 Lakhs and < 7.6 Lakhs	17 marks	>=7.6 Lakhs	20 marks	20		
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<ul style="list-style-type: none"> Reverse 'S' Test Track Motorcycle/Two-Wheeler Serpentine Test Track <p>as per below:</p>		
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SI.	Parameters	Point System	Max. Marks												
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3.	<p>Bidder's Experience: ADTT Trac Experience The Bidder (lead Bidder, in case of Consortium), should have experience in executing at least one 'Similar Project' for any Central Government/ State or UT Government/ Central or State Public Sector Unit in India in the last 7 years covering one or more of the following Class of Vehicle:</p> <ul style="list-style-type: none"> Heavy Motor Vehicle (HMV) Light Motor Vehicle (LMV) Two-Wheeler 	<p>Total number of test tracks for all COVs in anyone similar projects submitted meeting the Criteria:</p> <table border="1"> <thead> <tr> <th>Minimum total test tracks for all CoVs meeting the criteria</th> <th>Marks</th> </tr> </thead> <tbody> <tr> <td>Less than 1 track</td> <td>00 marks</td> </tr> <tr> <td>1 track to 5 tracks</td> <td>10 marks</td> </tr> <tr> <td>6 tracks to 10 tracks</td> <td>12 marks</td> </tr> <tr> <td>10+tracks</td> <td>15 marks</td> </tr> </tbody> </table> <p><i>(Eg. In a single project, if bidder has not implemented 4 tacks for HMV/LMV+5 tracks for Two Wheeler, it will be considered as total 9 tracks for that project.)</i></p>	Minimum total test tracks for all CoVs meeting the criteria	Marks	Less than 1 track	00 marks	1 track to 5 tracks	10 marks	6 tracks to 10 tracks	12 marks	10+tracks	15 marks	15		
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C.	Technical Criteria- Cards		10												
4.	<p>The Bidder (Anyone member in case of Consortium) should have experience of executing projects with manufacturing supplying, and printing of PVC/PC/PetG/ABS cards for any Central Government/ State or UT Government/Central or State Public Sector Unit/ Defence/ Govt. Boards/ PSU Banks in India during last 7 years with minimum number of cards meeting the criteria as per below:</p> <table border="1"> <tr> <td>Number of similar projects executed as define above</td> <td>Minimum number of Cards, in each project, meeting</td> </tr> </table>	Number of similar projects executed as define above	Minimum number of Cards, in each project, meeting	<p>Total Cards manufactured/supplied and printed in one or more (Maximum 3) projects submitted meeting the Criteria</p> <table border="1"> <thead> <tr> <th>Total Cards meeting the criteria</th> <th>Marks</th> </tr> </thead> <tbody> <tr> <td><3.85 Lakhs</td> <td>Disqualified</td> </tr> <tr> <td>>=3.85 Lakhs and <5.7 Lakhs</td> <td>07 marks</td> </tr> <tr> <td>>=5.7 Lakhs and <6.7 Lakhs</td> <td>08 marks</td> </tr> <tr> <td>>=6.7 Lakhs and</td> <td>09 marks</td> </tr> </tbody> </table>	Total Cards meeting the criteria	Marks	<3.85 Lakhs	Disqualified	>=3.85 Lakhs and <5.7 Lakhs	07 marks	>=5.7 Lakhs and <6.7 Lakhs	08 marks	>=6.7 Lakhs and	09 marks	10
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	<ul style="list-style-type: none"> The Bidders shall be required to submit a document with detailed Approach and Methodology, make and model of all components and software etc., before the Technical Evaluation of the System. All the costs towards such Technical Evaluation including the preparation, demonstration, manpower, lodging and boarding, travelling, transportation etc., shall be sole responsibility of bidder. Sample size for below tests shall be as directed by PSTS until satisfaction of PSTS. Marks for Technical Evaluation of the System shall be given based on the demonstration of the defined functionalities, and mandatory submission of corresponding document/ photo/ video evidence to be submitted by the bidder. Any changes in operations, solutions, quality or SOP required by PSTS shall be incorporated by the Bidders. In case of failure of Technical Evaluation during any process until satisfaction of PSTS, PSTS reserves the right to reject the bid. Marks shall be allocated as per below for each criterion accurately captured, and Output demonstrated (percentage of total sample size considered). 		30																								
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		KerbH It	
8.		Gradient Track: Roll Back Detection.~6 inches	3 marks
9.		Parking: vehicle parked properly or not within allotted space	3 marks
10.		Detection of path, direction, and inclination with smartphone-based sensors such as GPS, Gyroscope, Compass etc,	4 marks
11.		Seat Belt Detection in real time using smartphone-based technology	4 marks
12.		Face Detection in real time using smartphone-based technology	4 marks

15. As we have not found any illegality in inclusion of the Work of Printing PVC Cards and running of RTO Sewa Kendra in the Tender dated 05.09.2025, there is no question of interference or setting aside of the technical qualifications prescribed in Clause 13.4.1. Argument raised by learned counsel for petitioner that it would be put to prejudice in view of 15 marks allotted for experience in the Citizen Facilitation Centre/Sewa Kendra/Help Desk is again devoid of any merit. Primary argument raised to buttress such plea was that this requirement primarily involves hospitality services, inasmuch as it is provided in the scope of work (Clause 2.2.1) that citizens at the waiting lounge would be offered water, tea, coffee etc., during the waiting period though exact modalities shall be finalized with the selective service providers at a later date.

16. A perusal of Clause 2, 2.2.1, 2.2.2, 2.2.6, 2.3 clearly reveal that F&B (Food and Beverages) is not a major component thereof. Learned counsel was unable to point out any prejudice which may be caused by way of such a provision.

17. Similarly, so called dilution of the criteria of the tender conditions vide corrigendum dated 30.09.2025, does not lend any cause of action to the petitioner. Learned counsel for petitioner was unable to point out as to how and in what manner the tender document has been curated to

favour any particular entity or person, individual or consortium. There is no such material on record except the bald averment that the tender document has been copied from the one which was issued by the State of Maharashtra. That by itself without any attending circumstances cannot lead to a presumption or conclusion that there is an attempt to favour any particular entity. Court is not expected to go on a roving or fishing inquiry.

18. Furthermore, it is to be noted that terms and conditions as contained in the corrigendum would necessarily apply to all the concerned persons/parties across the board. Learned counsel for petitioner was unable to point out any arbitrariness or capricious exercise of power by the State in this matter or anything to indicate that action of the respondents was not fair, transparent or accountable. In the given facts and circumstances, we do not find any ground whatsoever to cause interference in this matter for setting aside tender dated 05.09.2025.

19. No other argument was raised.

20. This writ petition being devoid of any merit is thus dismissed.

Pending application(s), if any, stand(s) disposed of accordingly.

**(LISA GILL)
JUDGE**

**(MEENAKSHI I. MEHTA)
JUDGE**

October 17, 2025.
s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No