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

+ W.P.(C) 1802/2022 & C.M.No.5170/2022

MD. EHRAZ ZAFAR

..... Petitioner

Through Petitioner in person.

versus

UNION OF INDIA & ORS.

..... Respondents

Through

Mr.Kirtiman Singh CGSC with Mr.
Waize Ali Noof ADV. for
Respondent for UOI.
Mr. Chetan Sharma, ASG with Mr. A.
C. Mishra & Ms. Elana Saleem and
Mr. Amit Gupta Advocates for
Respondent 3 (DGH).

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Date of Decision: 17th February, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present Public Interest Petition has been filed challenging the Tender Invitations issued by Public Sector Undertakings and other registered Corporates/Companies, including Respondent No.3, for empanelment of a Law Firm on the basis of money/turn-over criteria as *ultra vires* the Advocates Act, 1961. Petitioner also seeks a direction to Respondent No.1 to formulate a new uniform guideline for engagement and empanelment of

lawyers/advocates.

3. Petitioner, who appears in person, states that Directorate General of Hydrocarbons under the Ministry of Petroleum and Natural Gas at its website had published an 'E-Tender for Empanelment of Law Firms for a Period of three years on Open National Competitive Bidding Basis', wherein the eligibility criteria as mentioned under the head 'Rejection Criteria' clearly stipulates that the Law Firm bidding for empanelment should have average annual turnover of at least INR 50 Crores in the last three Financial Years ending 31st March, 2021 (2018-19, 2019-20, 2020-21). He submits that setting down such an economic criteria for eligibility infringes the Fundamental Rights of the Petitioner as well as other similarly situated persons as conferred under Articles 14, 16, 19(1)(g) and 21 of the Constitution of India.

4. The settled principle of law is that an aggrieved person must approach the Court. The standing doctrine characteristic is that a potential litigant must be injured by the action it is challenging. Standing for individuals has been relaxed by the Indian Courts by entertaining Public Interest Litigation in the event, the person aggrieved is too poor or does not have the means to approach the Court. In fact in a Public Interest Litigation case, there need be no litigant. The concept of Public Interest Litigation is primarily linked to the enforcement of social and economic rights in India.

5. In the present instance, it is not the case of the Petitioner that he wanted to apply under the E-Tender and due to the eligibility criteria, he was prevented from applying. The petitioner claims that he has filed the present Public Interest Litigation trying to raise a public cause. However, this Court is of the view that the 'persons aggrieved' in the present case are lawyers or

law firms, who appear in Courts daily. They are fully familiar with the practice and procedure of the Court and have access to the Court all the time.

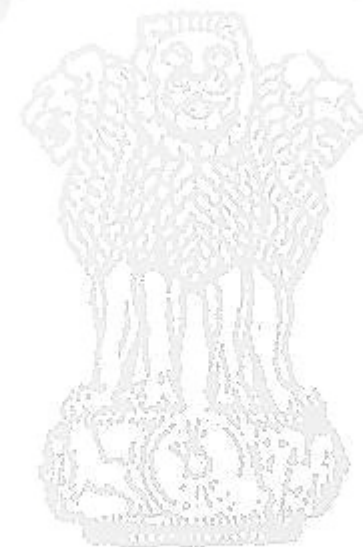
6. Consequently, this Court is of the view that it would not be proper or appropriate to relax the standing doctrine and entertain a Public Interest Litigation on the present cause.

7. Accordingly, the present writ petition is dismissed. This Court clarifies that it has not commented on the merits of the controversy.

MANMOHAN, J

NAVIN CHAWLA, J

**FEBRUARY 17, 2022
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