

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1927 of 2025

(Arising out of Order dated 02.12.2025 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi, Principal Bench in IA-2204/2025 in CP(IB)-951(PB)/2020)

IN THE MATTER OF:

Marinaindia Traexim Pvt. Ltd.

...Appellant

Versus

Linkstar Infosys Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant : Mr. Sunil Fernandes, Sr. Advocate with Mr. Arjun Syal, Mr. Shreyan Das and Mr. Indhirjith Prabhakar, Advocates.

For Respondents : Mr. Abhishek Anand, Mr. Karan Kohli, Ms. Palak Kalra Nr, Rajat Gupta, Ms. Ridhima Mehrotra and Ms. Vanshika Dhoot, Advocates.

With

Company Appeal (AT) (Insolvency) No. 1945 of 2025

(Arising out of Order dated 02.12.2025 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi, Principal Bench in IA-2202/2025 in CP(IB)-950(PB)/2020)

IN THE MATTER OF:

Marinaindia Traexim Pvt. Ltd.

...Appellant

Versus

Linkstar Infosys Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant : Mr. Sunil Fernandes, Sr. Advocate with Mr. Arjun Syal, Mr. Shreyan Das and Mr. Indhirjith Prabhakar, Advocates.

For Respondents : Mr. Abhishek Anand, Mr. Karan Kohli, Ms. Palak Kalra Nr, Rajat Gupta, Ms. Ridhima Mehrotra and Ms. Vanshika Dhoot, Advocates.

J U D G M E N T

Ashok Bhushan, J.

These two Appeal(s) have been filed challenging two separate orders dated 02.12.2025 passed by National Company Law Tribunal, New Delhi Principal Bench dated 02.12.2025 rejecting IA No.2204 of 2025, IA No.2351 of 2025 and IA No.2534 of 2025 in CP(IB)-951(PB)/2020; and IA No.2202 of 2025, IA No.2353 of 2025 and IA No.2538 of 2025 in CP(IB)-950(PB/2020 respectively. By the impugned order the Adjudicating Authority has rejected the IAs filed by the Appellant. Aggrieved by which order these Appeal(s) have been filed.

2. Facts and issues raised in these Appeal(s) are similar, it is sufficient to refer to facts and pleadings in Company Appeal (AT) (Ins.) No. 1927 of 2025 for deciding both the Appeals. Order dated 02.12.2025 in IA No.2204 of 2025, which is challenged in Company Appeal (AT) (Ins.) No. 1927 of 2025 arises out of e-auction conducted on 01.05.2025 for assets belonging to Mr. Waseem Ahmad Khan, the Bankrupt, whereas order dated 02.12.2025 passed in IA No.2202 of 2025, which is the subject matter of Company Appeal (AT) (Ins.) No. 1945 of 2025 arises out of e-auction conducted on 01.05.2025 of the assets belonging to Mr. Farah Khan, the Bankrupt.

3. Brief facts of the case in Company Appeal (AT) (Ins.) No. 1927 of 2025 are:

- (i) One Mr. Waseem Ahmad Khan was declared Bankrupt and Respondent No.2 was appointed as Bankruptcy Trustee. The

Bankruptcy Trustee issued advertisement on 15.04.2025 in two newspapers for sale of assets of Mr. Waseem Ahmad Khan. The Appellant submitted required documents for Expression of Interest (“**EoI**”) and received confirmation regarding approving participation in the e-auction to be held on 01.05.2025.

- (ii) The assets of Waseem Ahmad Khan were divided in two lots. Lot No.1 consist of two agricultural lands measuring 3.424 Hectares and 5.059 Hectares on the reserve price of Rs.2,83,74,051 and EMD of Rs.28,37,405/-. The Lot No.2 consists of Khasra Nos.1, 2 and 3 measuring 4.046 Hectares, with Reserve Price of Rs.1,83,60,000- and EMD of Rs.18,36,000/-.
- (iii) As per the advertisement published on 15.04.2025, e-auction was to take place on 01.05.2025 from 02:00 PM to 04:00 PM. Process Information Document was published by Bankruptcy Trustee on 15.04.2025. The e-auction was to be conducted through approved service provider M/s Linkstar Infosys Pvt. Ltd. at the web portal <https://www.eauctions.co.in>. The Process Document provided that Bankruptcy Trustee at the end of the e-auction phase, shall declare the successful bidder for the e-auction sale, for the assets of the Bankrupt. The successful bidder shall be determined on the basis of highest bid received for the assets of the Bankrupt, by the Bankruptcy Trustee vide the e-auction portal process, keeping in view the terms and conditions of the e-auction.

- (iv) The Appellant received confirmation of its participation in the e-auction scheduled to be held on 01.05.2025. E-auction started on 01.05.2025, in which the Appellant submitted its bid for Lot Nos.1 and 2. The bidding process for Lot No.1 continued till 04:25:38 PM and for Lot No.2 it continued till 05:18:54 PM. The bid time was although from 02:00 to 04:00 P.M., but time was automatically extended from the last bid for five minutes and if other bidder increased the bid, there was further increase of five minutes time, due to continuous bidding process. Hence, time for bidding process for Lot No.1 continued till 04:25:38 PM and for Lot No.2 till 05:18:54 PM. In both the Lots, the Appellant bid was last but one. However, the last bid being of other bidder and there was no increase in the bid by the Appellant within five minutes, auction in favour of other bidder was confirmed.
- (v) After the other bidder was declared as successful bidder, IA No.2204 of 2025 dated 06.05.2025 was filed by the Appellant praying for setting aside the e-auction held on 01.05.2025 and for re-auction of assets belonging to Mr. Waseem Ahmad Khan further seeking direction to Respondent No.1 to submit a detailed technical report and to conduct the re-auction.
- (vi) On 13.05.2025, notices were issued in IA No.2204 of 2025. Replies were filed by both Respondent Nos.1 and 2 opposing the application. The Appellant filed another IA No.2351 of 2025 on 14.05.2025 seeking to restrain Respondent No.2 from concluding

the sale and issue Sale Certificate. Another application – IA No.2534 of 2025 was filed by the Appellant on 24.05.2025 seeking appointment of a Technical Expert at the cost of the Appellant to examine the servers of both the Respondents and prepare a detailed Report.

- (vii) The Adjudicating Authority after hearing both the parties passed the impugned order on 02.12.2025 dismissing IA No.2204 of 2025 and also dismissing other two applications – IA No.2351 of 2025 and IA No.2534 of 2025. The Adjudicating Authority by the impugned order considered the submissions of the Applicant and replies submitted by Respondent Nos.1 and 2 and came to the conclusion that Applicant failed to prove that there was any technical glitch in participation in the e-auction held on 01.05.2025. Challenging the order rejecting the IAs filed by the Applicant, this Appeal has been filed.

Company Appeal (AT) (Insolvency) No. 1945 of 2025

- (i) This Appeal has been filed challenging the order passed in IA No.2202 of 2025 dated 02.12.2025 and other IA Nos.2353 and 2538 of 2025.
- (ii) The Bankruptcy Trustee issued advertisement dated 15.04.2025 for sale of assets of Mr. Farah Khan. Lot No.1 consist of two agricultural land with reserve price of Rs.3,29,46,624/-. The Appellant submitted its EoI and its participation was confirmed

for e-auction scheduled to be held on 01.05.2025 from 02:00 PM to 04:00 PM.

- (iii) The Appellant participated in e-auction. The bid for the assets of Mr. Farah Khan was concluded at 16:25:18 hrs. Another bidder was declared successful namely – M/s Bahl Paper Mills Ltd. who last bid at 16:20 hrs for Rs.4,39,46,624/-.
- (iv) The Applicant filed application – IA No.2202 of 2025 on 06.05.2025 praying for setting aside the e-auction held on 01.05.2025 for assets of Mr. Farah Khan. Other two applications being IA Nos.2353 and 2538 of 2025 were filed by the Appellant, replies to which IAs were also filed and IAs have been rejected by the impugned order.

4. We have heard Shri Sunil Fernandes, learned Senior Counsel appearing for the Appellant(s); Shri Abhishek Anand, learned Counsel appearing for Respondent No.2.

5. Shri Sunil Fernandes, learned Senior Counsel appearing for the Appellant submits that the Appellant was allowed participation in e-auction and had submitted the bid and no technical glitch was faced till 03:52 PM and after that technical glitch was faced by the Appellant, who immediately contacted the Technical Support Team person named Mr. Vijay. The Appellant faced technical issues with respect to Lot No.1 of Mr. Waseem Ahmad Khan and although the Appellant gave an increased bid at 04:17 PM, but was unable to submit the highest bid. Similarly with respect to Lot No.2 at 05:18 PM, the Appellant was unable to submit the highest bid due to

technical failure on the auction website. The Appellant was diligently participating in the e-auction process, and it was due to technical glitch that he could not increase the bid as compared to the last bid received from the other bidder. The Applicant immediately filed an application praying for setting aside the e-auction. The Applicant has prayed in the application to obtain a Technical Report at the cost of the Applicant, which prayer was not accepted by the Adjudicating Authority. Conducting of e-auction on e-platform consists of several technical steps and Technical Report was essential to examine the grievance raised by the Appellant regarding the technical glitch encountered during the e-auction process. The Applicant in the application has submitted that immediately after he encountered technical glitch, he called the contact person given in the document. The various calls made and the answers given were already detailed in the application filed by the Appellant, which proves that the technical problem was faced by the Appellant and the Appellant contacted the concerned person immediately, but the grievance of the Appellant was not redressed, due to which the Appellant was unable to increase the bid amount with its competitor. The answer was received that everything is working fine. The screenshots and facts were already filed along with the application, which clearly proves the case of the Appellant. Learned Counsel for the Appellant has relied on the judgment of the Delhi High Court in **Writ Petition (C) No.253/2025 in Karix Mobile Pvt. Ltd. vs. Union of India and Ors.**, where the Delhi High Court had directed the Director, Indian Institute of Technology, to nominate an Expert Committee comprising two Members to look into the

issue of technical glitch on the portal of GeM at the relevant time. Learned Counsel for the Appellant submits that the issues raised by the Appellant were to be examined by a Technical Expert and Adjudicating Authority committed error in not accepting the prayer for appointment of Technical Expert.

6. Shri Abhishek Anand, learned Counsel appearing for Respondent No.2 refuting the submissions of the Appellant submits that the grounds raised by the Appellant in the IAs filed before the Adjudicating Authority that it encountered technical glitch while participating in the e-auction held on 01.05.2025 from 02:00 PM to 04:00 PM is wholly incorrect and is not substantiated from the relevant records, which were placed by Respondent No.1 (the platform), who conducted the entire e-auction process. It is submitted that with regard to e-auction of Mr. Waseem Ahmad Khan, although in Lot No.1 and Lot No.2, the Appellant continued to participate even after 04:00 PM, whereas the Appellant in the application came with a case that after 03:52 PM, the Appellant faced technical glitch. It is submitted that in Lot No.1 even after 03:52 PM the Appellant submitted five bids and the last bid was submitted at 04:16:10 PM. For Lot No.2, the Appellant after 03:52 PM had placed 19 bids, which are reflected in the relevant audit trail placed by Respondent No.1 before the Adjudicating Authority. Even last but one bid in both the Lots were submitted by the Appellant. The other bidder has increased its bid by Rs.10 lakhs and there being no further bid within five minutes by the Appellant, the bid of the other bidder was confirmed. Present is not a case, where it can be said that the Appellant faced any technical glitch

and the case raised by the Appellant was found groundless by the Adjudicating Authority. The Adjudicating Authority examined the entire material and record and has rightly come to the conclusion that the Appellant did not face any technical glitch, nor there is any material to prove any technical glitch. The fact that even after 03:52 PM, which is the time when the Appellant claimed to have faced the technical glitch, he submitted several bids in both the Lots, itself demolishes the case of the Appellant that he faced any technical glitch. The Adjudicating Authority being satisfied from the materials on record held that there was no question of appointing any Technical Expert for submitting a Report. Respondent No.1, which is the platform, which conducted the e-auction has already submitted a detailed Report in the reply. It is submitted that the Appellant has filed several videos and screenshots. In the reply, which was submitted by Respondent No.2 to the application – IA No.2204 of 2025, detailed observations were made with regard to videos. Referring to paragraph 47 of the reply of Respondent No.2, it is submitted that videos indicate that person is in a car and the noise of Honking and traffic noise can be heard. No glitch on the platform has been identified or alleged in the said video. It is submitted that auction was conducted in accordance with due process and the Appellant, who did not increase the bid within five minutes from the last bid, which was submitted by the other bidder, the Appellant cannot be allowed to challenge the auction, which has been conducted in accordance with the procedure prescribed.

7. We have heard learned Counsel for the parties and have perused the record.

8. We need to first notice the relevant pleadings, which have been made by the Appellant in its IA No.2204 of 2025 filed by the Appellant, questioning the e-auction held on 01.05.2025 for the assets belonging to Mr. Waseem Ahmad Khan. The Appellant's case is that after receiving the confirmation mail, the Appellant participated in the e-auction and the e-auction platform was functioning properly until approximately 03:52 PM. In the application – IA No.2204 of 2025, the Appellant has made following averments and pleadings in paragraphs 13 to 21:

“13. The e-auction platform was functioning properly and refreshing every 10 seconds until approximately 3:52 PM, with no competing bids being placed during this time.

14. However, after 3:52 PM, the Applicant encountered serious technical issues on the e-auction platform. Other bidders suddenly started placing bids on the lots, but the Applicant was unable to submit enhanced bid amount.

15. That the Respondent No. 1 had earlier provided a contact number of person named Mr. Vijay as the technical support person in mail in case of any grievance during the auction process.

16. The Applicant immediately contacted the said technical support person Mr. Vijay, multiple times regarding these technical issues:

- a. First call at 1:58 PM for general inquiries before the auction started 42 seconds)
- b. Second call at 3:58 PM when unable to submit bids.
- c. Third call at 4:02 PM to report continued issues.
- d. Fourth call at 4:10 PM requesting assistance, as the Applicant was unable to place any bids

A copy of the screenshot of the call details is annexed herewith and marked as ANNEXURE -9.

17. Despite these attempts to resolve the issues, Mr. Vijay claimed that everything was working fine and declined to take any remedial action.

18. During this critical time, the Applicant was unable to submit enhanced bids for Lot No. 1, and the extended time limit of 5 minutes expired, ending those auctions.

19. That it is pertinent the auction concludes at 4 PM, unless activity occurs in the final countdown. Each new bid placed during the last 5 minutes automatically extends the auction by 5 additional minutes. This time extension process repeats continuously until no further bids are received for a full 5-minute period.

20. When the auctions for Lot No. 1 concluded, the technical issues with Lot No. 2 appeared to be temporarily resolved, allowing the Applicant to resume bidding. The Applicant continued bidding on Lot No. 2 for approximately 45 minutes, progressively increasing its bids.

21. However, at 5:18 PM, when attempting to place a bid of Rs. 6,78,60,000/- for Lot No. 2, the Applicant again encountered technical issues that prevented the submission of this bid, and the auction was abruptly closed.”

9. In paragraph 22 of the application, the Appellant has given the time when the Applicant submitted his bid. The Applicant’s claim that last bid for Lot No.1 was submitted at 04:17 PM by the Applicant, increasing the bid by Rs.10 lakhs and making the bid to Rs.3.83 crores. The other bidder increased the bid by Rs.10 lakhs, making it to Rs.3.93 crores and the Applicant was unable to increase and submit the higher bid, due to glitch. With regard to Lot No.2, the Appellant submitted that it increased bid at 05:17 PM of Rs.10 lakhs, making the bid to Rs.6.78 crores, whereas at 05:18 PM, the Applicant was unable to submit the bid due to technical failure. The application filed by the Appellant was replied both by Linkstar Infosys Pvt. Ltd. (the Platform)

as well as Respondent No.2. We also need to notice the prayers made in IA No.2204 of 2024, which are as follows:

“In the light of the above facts and circumstances, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to:

- a) Direct for setting aside the auction conducted on 01.05.2025 and for re-auction of assets belonging to Mr. Waseem Ahmad Khan in bankruptcy process due to the technical failures that prevented fair participation in the e-auction conducted on 01.05.2025;
- b) Direct the Respondent No. 1 E-auction Service Provider to submit a detailed technical report on the failures experienced during the e-auction conducted on 01.05.2025;
- c) Direct the Respondent No. 2 Bankruptcy Trustee to conduct the re-auction through a different and more reliable e-auction service provider to ensure technical stability and fair participation;
- d) Grant an interim stay on all further proceedings pursuant to the e-auction conducted on 01.05.2025 for the sale of assets belonging to Mr. Waseem Ahmad Khan in bankruptcy process, including but not limited to confirmation of sale, issuance of sale certificates, and transfer of assets to the auction winners, pending the final disposal of the application;
- e) Pass any other order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice, equity, and fair play.”

10. In the reply filed by Respondent No.1, details of e-auction of Lot No.1 and Lot No.2 of bankruptcy process of Mr. Waseem Ahmad Khan has been given, giving details of bids, date and time of both the bidders, namely – the Appellant and M/s Bahl Paper Mills Ltd. System generated Report of e-auction of Lot Nos.1 and 2 were brought on record. Telephonic conversation between Appellant and Respondent No.1 Company has also been filed with transcript at paragraph 9 of the reply. The Adjudicating Authority after

hearing the parties and considering the materials on record, has come to a finding that case submitted by the Appellant that it faced technical glitch after 03:52 PM, is belied by the materials brought on record. The Appellant progressively increased the bid until 04:16 PM for Lot No.1 and 05:15 PM for Lot No.2, when the successful bidder placed the bid at 04:20:38 PM for Lot No.1 and at 05:14:54 PM for Lot No.2, the Applicant was required to increase his bid within stipulated five minutes window, which he failed to do. To increase the bid further or not is the choice of each bidder. All bidders are bound to exercise the option of higher bid within timeline and if not done the auction process will conclude on the highest bid. In paragraphs 20, 21 and 22 of the impugned order, the Adjudicating Authority had made following observations:

“20. The facts as pleaded by parties and record reveals that the applicant placed the bid after 3:52 pm and thereafter continued to participate in the bidding process, progressively increasing the bid until 4:16 pm for Lot No.1 and further till 5:12 pm for Lot No.2. Hence the contention now raised by the applicant is contrary to the factual position, as the bid history clearly shows the continues participation. When the successful bidder placed the bid at 4:20:38 pm for Rs. (Lot 1) and at 5:13:54 pm for Lot 2 the applicant was required to increase his bid within the stipulated five-minute window, which he failed to do. To increase bid further is the choice of each bidder. It is faceless auction platform. All bidders are bound to exercise the option of higher bid within timeline and if not done the auction process will conclude on the highest bid. This is the scheme of e-auction platform. The applicant should have raised issue immediately after 4:16 pm and 5:13:54 (both lots) if his higher bid is not accepted in the auction portal. The applicant did not raise an issue then and there. There is no complaint immediately. The applicant did not raise any objection for a

considerable period and chose to file the present application much later, making objections appear to be an afterthought.

21. In this context it is relevant to mention that the bid history report at Annexure R-5 for E-auction for Sale of Assets of Mr. Waseem Ahmad Khan, Lot No.1 Two Land(s) admeasuring 3.424 Hectares and 5.059 Hectares respectively clearly shows that the applicant has submitted the bid even after 3:52 pm i.e. till 4:16 pm, which shows that the applicant was very much active on the e-auction platform. Further, the highest bidder placed the bid at 4:20:38 pm, thereafter an extension of 5 min was available with the bidders, however no such bid was placed within the extended 5 min.

22. Similarly, for Lot No. 2, lands measuring 2.023 and 4.046 Hectares respectively were up for e-auction, wherein the applicant had also submitted the bids after 3:52 pm i.e. till 5:12 pm, which shows that the applicant was very much active on the e-auction platform.

The highest bid in Lot No. 2 was placed at 17:13 pm, thereafter an extension of 5 min was available with the bidders, however no such bid was placed within the extended 5 minutes. Assuming, that the applicant bidder had faced a technical glitch, it would not be possible for the same bidder to be available on the platform after 3:52pm. On the contrary applicants made several bids after the alleged glitch. The preset present application is an afterthought and nothing prevented the bidder to participate effectively. It is the applicant choice to continue or discontinue bidding. We can infer that applicant has stopped bidding after a limit.”

11. In the impugned order in paragraph 16, the Adjudicating Authority has noticed the bid submitted by the Appellant for Lot No.1. After 03:52 PM, the Appellant submitted five bids and last bid submitted by the Appellant at 04:16 PM of Rs.3,83,74,051/- and at 04:20 PM Bahl Paper Mills Ltd. submitted a bid of Rs.3,93,74,051/- and the bid was not increased by the Appellant within five minutes window. With respect to Lot No.2 after 03:53 PM, the Appellant

submitted 19 bids. The last bid submitted by the Appellant was at 05:12 PM of Rs.6,53,60,600/-. M/s Bahl Paper Mills Ltd. submitted bid at 05:13 PM of Rs.6,63,60,000/-. There being no increase in the bid within five minutes, the bid of Bahl Paper Mills Ltd. for Lot No.2 was confirmed. The observations and findings recorded by the Adjudicating Authority in paragraphs 20 and 21 as noted above are based on relevant materials, which were brought on record. We have noticed the submission of the Appellant and the grounds taken by the Appellant in its IA No.2204 of 2025, which pleaded that after 03:52 PM, the Appellant faced several technical glitches. The Appellant also pleaded that in its application at paragraph 16 as noted above, the Appellant called one Mr. Vijay, the Technical Support person and the Appellant has given the details of calls. Paragraph 16, indicate that the first call was given at 01:58 PM and the last call was given at 04:10 PM. The Appellant was able to submit bids after the last call given by the Appellant in both the Lots, i.e. Lot No.1 and Lot No.2. In Lot No.1 at 04:16 PM, the Appellant submitted his last bid and in Lot No.2 at 05:12 PM, the Appellant submitted his last bid. Had the Appellant encountered any technical glitch, after submission of last bid at 04:16 PM in Lot No.1 and in Lot No.2 at 05:12 PM, there ought to have been immediate complaint or call for assistance. There is no proof of any contemporaneous complaint/ call or email pointing about the glitch. Furthermore, when the Appellant was participating with the other bidder in both the Lots, the Appellant submitted last but one bid after 04:00 PM in both the Lots and after the last bid submitted by the Appellant, the other bidder has increased its bid by Rs.10 lakhs and Appellant failed to increase its bid

after five minutes and after expiry of five minutes, the auction stood confirmed in favour of the other bidder. When the Appellant has been submitting competitive bids, till the very end of auction, the theory setup by the Appellant that he faced technical glitch in submitting the bids, is belied from the materials on record. The allegations made by the Appellant in his applications and materials brought on record did not raise any ground for setting aside the e-auction.

12. Shri Abhishek Anand, learned Counsel for Respondent No.2 has also submitted that although the Appellant has filed three applications before the Adjudicating Authority, claiming various reliefs, but the Appeal(s) have been filed only against one order passed in one IA. In Company Appeal (AT) (Ins.) No. 1927 of 2025 only order which is challenged is IA No.2204 of 2025 and other two orders passed in two IAs, have not been challenged. Be that as it may, the Appellant having challenged the order passed in IA No.2204 of 2025 in Company Appeal (AT) (Ins.) No. 1927 of 2025 and IA No.2202 of 2025 in Company Appeal (AT) (Ins.) No. 1945 of 2025, it is clearly open for the Appellant to raise all his submissions. Other two IAs, which were subsequently filed by the Appellant were only consequential and have no bearing on the consideration and decision of the Appeal.

13. Coming to the judgment of the Delhi High Court relied by the Appellant in ***Writ Petition (C) No.253/2025 in Karix Mobile Pvt. Ltd. vs. Union of India and Ors.***, where High Court has directed the Director, Indian Institute of Technology (IIT), Delhi to nominate an Expert Committee comprising two Members to look into the issue of technical glitch on the portal of GeM at the

relevant time. Although, direction was issued in the above case to nominate an Expert Committee to render its opinion, which opinion was also submitted and ultimately the High Court dismissed the Writ Petition. In the above case, learned Counsel for the Appellant has contended that the petitioner had immediately raised the ticket with Respondent No.2/ GeM portal for resolution of the glitch it faced. However, GeM portal team did not assist the petitioner. In the present case, from the own showing of the Appellant, he has called the support person, and even after his last call, the Appellant submitted several bids, which materials are on record and after submission of the last bid by the other bidder, there is no contemporaneous material to indicate that the Appellant has filed any communication and raised his bid within five minutes period, which was available for increasing the bid.

14. Learned Counsel for the Appellant has relied on judgment of the Delhi High Court in ***Writ Petition (C) 1429/2018 – L&T Hydrocarbon Engineering Ltd. vs. Oil and Natural Gas Corporation Ltd. & Anr.*** to support his submission that there being technical glitch, the Technical Experts were required to be appointed, who would have substantiated the case setup by the Appellant. We need to notice the judgment of the Delhi High Court on which reliance has been placed. The facts of the case have been pleaded in Paragraph-2 of the judgment. The above was a case where tender was invited by ONGC. The bid was to be uploaded on the platform provided by the ONGC. The methodology of the tender has been noticed in Paragraph-5 of the judgment, which is as follows:

“5. The methodology for submission of the tender, as displayed on the website of the respondent No.1/ONGC comprised of the following steps:-

- (i) Log on to the e-procurement website of the respondent No.1 with the allotted User ID and password.
- (ii) Select the relevant document from the bidder's system to be uploaded onto the System of the respondent No.1;
- (iii) The said document is then attached to a pop-up window, and the same is uploaded onto the system of the respondent No.1 upon being digitally signed, using the digital signature of the bidder;
- (iv) Upon digitally signing the document, an encrypted file is generated – suffixed with “.ssig”.
- (v) The said digitally signed encrypted document is then selected and saved on the portal of the Respondent No.1. The said process is repeated until all the documents sought to be uploaded are encrypted with the digital signature and saved within the Respondent's portal.
- (vi) Upon successfully being saved on the respondent No.1's portal, the document will appear on the RFx, along with the time at which the said document was successfully saved. The ‘status’ at this stage would show ‘saved’.
- (vii) Upon being satisfied that the bid documents have been successfully uploaded, the Bidder then clicks the „Submit Button”, pursuant to which the response message comes as ‘document was successfully signed digitally’.
- (viii) The „status” of the Bid will then change from ‘saved’ to ‘submitted’.

14.1. The Petitioner has submitted its bid and uploaded all the documents at 13:58:43 hrs., i.e. before 02:00 P.M. on 05.02.2018, which was the last date of submission of the bid. The Appellant's case was that he pressed the submit button, but the status of the bid was not changed from ‘saved’ to ‘submitted’ and the Appellant was held not qualified having not submitted the bid. In the above context, the Writ Petition was filed. The Delhi High Court with the consent of the parties appointed Technical Expert Agency, i.e. FSL, Rohini, Delhi. Two teams were constituted to submit a report with respect to the Appellant as well as ONGC. After examining the report, the Delhi High Court

found that after uploading of the documents at 13:58:43 hrs., there was further activities noticed in the system of the Appellant, which clearly meant that the Appellant had pressed the submit button. Relying on the said report, the Writ Petition was allowed.

14.2. The judgment of the Delhi High Court relied by the Appellant was on its own facts, where the Appellant successfully proved that after uploading the bid documents, it had pressed the submit button, which was proved from the report of the Technical Expert. Coming to the facts of the present case, the Appellant had fully participated in the bid and submitted the bid even after period of two hours was over. The Appellant submitted his last but one bid also. Last bid being of the Successful Auction Purchaser and there was no further bid submitted by the Appellant within five minutes, the bid of another Auction Purchaser was accepted as successful bid. Thus, in the present case, there was no Technical Glitch as alleged by the Appellant. We have already noticed submissions of the parties and facts in foregoing paragraphs of the judgment and have come to the conclusion that the Appellant failed to prove any technical glitch, since he has successfully participated in auction of both the Lots and has given several bids, which have been noticed by the Adjudicating Authority and by us. The judgment of the Delhi High Court, thus, in no manner supports the case of the Appellant.

15. From the facts brought on record, the Adjudicating Authority has carefully examined the relevant materials and the materials which were produced by the e-platform, which has conducted the auction, which indicate that the Appellant was continuously participating in the bid till the last but

one bid and hence, the submission of the Appellant that he faced technical glitch is unsubstantiated. The Adjudicating Authority did not commit any error in rejecting the IAs filed by the Appellant for quashing the e-auction held on 01.05.2025 with respect to assets of Waseem Ahmad Khan and Farah Khan. We, thus, do not find any error in the impugned order passed by Adjudicating Authority in these Appeal(s) warranting interference in exercise of appellate jurisdiction.

16. In result, both the Appeal(s) are dismissed. There shall be no order as to costs.

**[Justice Ashok Bhushan]
Chairperson**

**[Barun Mitra]
Member (Technical)**

New Delhi

7th January, 2026

Ashwani