

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2401/2025
CM 6363/2025.

M/S. KHANDAY CONSTRUCTION COMPANY TH.
MANAGING PARTNER

...Petitioner(s)

Through: Mr. Ibrahim Mehraj, Advocate.

VERSUS

UNION TERRITORY OF J AND K AND ANR.

Through: Mr. Waseem Gul, GA.

...Respondent(s)

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
26.09.2025

01.The Chief Engineer PMGSY (JKRRDA) Kashmir, by virtue of report No. **CE/PMGSY/DB/4679** dated **18.09.2025**, came to disqualify the petitioner's technical bid on account of the annual turnover value being less than the required. As result, out of seven bidders, the petitioner being omitted from consideration in the evaluation of financial bids has been constrained to approach this Court assailing the disqualification on the grounds that the premise on which the petitioner's bid has been disqualified is

misconceived and does not reconcile with the actual status of the petitioner which meets the requirement.

02. The petitioner claims to be an “A Class” contractor.

03. The very fact that the petitioner’s bid has been disqualified solely on the basis of turnover valuation is a pointer to the fact that otherwise the petitioner is meeting the rest of the eligibility conditions prescribed under **E-NIT No: 02/CE/PMGSY/KMR of 2025-26** dated **05.08.2025**.

04. Prima facie case made out.

05. Issue notice to the respondents.

06. Notice in CM also.

07. Petitioner to furnish registered postal covers within seven days.

08. In the meantime, respondent No. 2- Chief Engineer PMGSY is directed to consider and evaluate the petitioner’s financial bid as well. In case the petitioner’s financial bid is found to be competitive and L1 as compared to the financial bids of the rest of six technically qualified bidders, the further process shall be kept in abeyance till further direction from this Court and in case the petitioner’s financial bid is found

to be losing one, the tendering process shall continue towards its completion.

09. This order is however subject to objections from the other side.

10. A copy of this order be provided to Mr. Waseem Gul, learned Government Advocate for notice and compliance.

11. List on **8th of October, 2025.**

SRINAGAR
26.09.2025
Bisma Jan.



(Rahul Bharti)
Judge