

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1361/2025

**Joint Venture of:
M/S Capital Electech Pvt. Ltd.
&
M/S Veena Construction Co.**

.....Appellant(s)/Petitioner(s)

Through: Mr. R.K. Gupta, Sr. Advocate with
Mr. Anil Kumar Verma, Advocate

Vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mr. Raman Sharma, AAG

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(28.05.2025)**

- 01.** The petitioner came to be one of the three bidders responding to **e-NIT No. -STD/Doda/Capex/08 of 2025-26** dated **29.04.2025** for the contract work of “Design, Engineering, Manufacture, Survey, Supply, Transportation, Erection, Testing & Commissioning of new 33KV line from 132/33 KV Grid Station Khellani to 33/11 KV Receiving Station Thathri on ACSR Wolf conductor, in District Doda”. The bid submitted by the petitioner was in the form of a joint venture bidder.
- 02.** As per the learned senior counsel for the petitioner, all the essential eligibility conditions were being met by the

petitioner to participate in the e-tender and pursuant thereto the bid was submitted by it.

- 03.** Finding itself being aggrieved of its bid being held ineligible thereby leaving two players M/s Pir Panchal Pvt. Ltd. and M/s Guardian Engineer in the fray, Mr. R.K. Gupta, learned Senior Advocate arguing for the petitioner draws the attention of this Court that the assessment of the three bids was carried out in a minutes of meeting held on 23.05.2025 and the reason for petitioner's rejection in terms of its bid came to be documented on 24.05.2025.
- 04.** The rejection of the petitioner's bid is being related to the three causes as enlisted in the impugned communication dated 24.05.2025.
- 05.** Mr. R.K. Gupta, learned Senior Advocate submits that all the three eligibility requirements were being fully met by the petitioner and the purported reason shown for the rejection is nothing but a sham pretext.
- 06.** There is a ***prima-facie*** weight in the submissions made by Mr. R.K. Gupta, learned Senior Advocate particularly related to the requirement of completion certificate of work of 33KV or above being countable as experience certificate of the petitioner.

07. Learned senior counsel for the petitioner draws the attention of this Court to certificate of Executive Engineer Projects Division Kathua (Jammu) (JPDCL) No. PDK/270 dated 24.04.2023 confirming the completion certificate with respect to rural electrification works of like nature relating to 66KV, 33KV, 66/11 KV Sub-station and 33/11 KV Sub-station etc.
08. ***Prima-facie*** case is made out.
09. Issue notice to the respondents in the main petition and in the CM as well.
10. Mr. Raman Sharma, learned AAG accepts notice on behalf of the respondents.
11. Reply to the writ petition be filed by or before the next date of hearing.
12. List on **08.07.2025**.
13. In the meantime, this Court directs the concerned respondent/s to consider the financial bid of the petitioner notwithstanding the purported ineligibility of the petitioner declared in terms of the impugned document **No. STD/Doda/2025-26/509-10** dated **24.05.2025**.
14. In case, the petitioner's financial bid comes out to be loosing out in comparison with the two bidders, then the

respondents can go ahead with the finalization of the contract but in case the petitioner's financial bid comes to be the competitive one qualifying to be the lead financial bid then the final result will be subject to the outcome of the order of this Court as may come to be passed upon submission of reply by the respondents.

(RAHUL BHARTI)
JUDGE

JAMMU
28.05.2025
SUNIL

