



2026:JKLHC-JMU:2688

Sr. No. 50

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

WP (C) No. 1916/2026

M/s GF Construction

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

Through: Mr. D.C. Raina, Sr. Advocate with
Mr. Anuj Dewan Raina, Advocate &
Mr. Mohd. Junaid, Advocate

Vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Ravinder Gupta, AAG

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
01.07.2026

1. It is vehemently argued by the learned senior counsel for the petitioner that the petitioner, having been declared technically responsive, was subsequently declared as the L1 bidder after opening of the financial bids way back on 28.05.2026. However, the respondents without assigning any plausible reason have failed to finalise the tender process. It is further submitted that till date, the petitioner is not aware of any reason as to why the allotment has not been made in its favour, despite there being no legal impediment in doing so. According to the learned senior counsel for the petitioner, such inaction on the part of the respondent authority, in the absence of any cogent reason, is arbitrary, unreasonable, and violative of Article 14 of the Constitution of India.
2. It is further contended that the failure of the respondent authority to finalise the tender process, despite the petitioner having been L1 bidder, has caused serious prejudice and financial loss to the petitioner, who has



invested huge substantial resources, manpower, finances and time in participating in the tender process, and has remained bound by its bid in conformity with the eligibility conditions and the terms and conditions of the tender document.

3. It is also submitted that the earlier writ petition filed by the rival bidder was disposed of by this Court on 29.05.2026, resulting in vacation of the interim order dated 19.11.2025, and the matter having attained finality. It was, therefore, incumbent on part of the respondents to proceed further with the tender process in accordance with law. Despite the aforesaid, no action has been taken by the respondents. In spite of the fact that the petitioner, being L1 bidder, inaction on the part of the respondents cannot sustain the test of law and feeling aggrieved by the same, the petitioner has invoked the writ jurisdiction of this Court wherein a direction has been sought against the respondent to finalise the tender process pursuant to e-NIT No. CEJ/PMGSY/79 of 2025-2026 dated 30.07.2025 for the construction and maintenance of the road from L138 Link Road Pangalad to Devipini via Sukhalghati and Sukhalgali, Package No. JK20- 4050 PMGSY-IV Batch-I of 2025-26, Block Bamagh, District Reasi (using Open Graded Premix Carpet), Length 38.325 KMS. A further direction in the nature of Mandamus has been sought against the respondents to allot/award subject work in favour of the petitioner in the light of the fact that the petitioner has since been declared as L1 after opening of the financial bid and the petitioner fulfills all terms and conditions of the tender document.



4. Heard learned senior counsel for the petitioner at length and perused the record.
5. This court after hearing the learned Senior counsel for the petitioner and perusing the record, deems it appropriate, at the first instance, to direct the learned counsel appearing for the respondents, Mr. Ravinder Gupta, AAG, to have instructions in the instant matter, particularly as time is of the essence in the instant petition.
6. Keeping in view the urgency expressed by the learned senior counsel appearing on behalf of the petitioner, this Court deems it proper to direct the Registry to list this matter on 03.07.2026 in the supplementary cause list. On the said date, Mr. Ravinder Gupta, learned AAG, shall have instructions on behalf of the respondents, explaining the reasons for not awarding the contract in favour of the petitioner in spite of the fact that the petitioner has since been declared technically responsive and thereafter the L1 bidder pursuant to the opening of financial bids.
7. Learned counsel appearing for the respondents shall also produce the relevant record for the perusal of this Court on the next date of hearing.
8. List this matter on **03.07.2026**.
9. Consideration of interim relief is deferred for the time being, however, same shall be considered on the next date of hearing.

(Wasim Sadiq Nargal)
Judge

Jammu
01.07.2026
Nikhil