

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

**Case: WP(C) No. 1923/2026
CM No. 4218/2026
CAV No. 1779/2026**

M/s SHSS Associates

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

Through :- Mr. M.K. Sharma, Advocate

Vs

Union of India and Ors.

.....Respondent(s)

Through :- Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

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

**ORDER
03.07.2026**

01. Through the medium of the instant petition, the petitioner is calling in question communication dated 16.01.2026, a perusal whereof reveals that the petitioner has been conveyed that permitting renewal of the enlistment of the petitioner firm may potentially result in an indirect or backdoor entry for a banned firm, as the validity of the enlistment of the petitioner firm had already expired on 31.12.2025.

02. Through the medium of the aforesaid communication, the petitioner has been called upon to file an appeal before the Engineer-in-Chief, i.e., the Appellate Authority, on or before 31.01.2026. It has further been conveyed therein that the petitioner shall be permitted to participate in tenders even after the expiry of the validity of such enlistment till such time the appeal is disposed of by the Appellate Authority.

03. It has also been reflected in the aforesaid communication that, in case the petitioner does not opt to file an appeal before the Appellate Authority, the

firm shall not be considered eligible for participating in tenders issued by MES forthwith.

04. It has been projected by the learned counsel for the petitioner that although the appeal was preferred on 27.01.2026, the same has not been disposed of till date. It is submitted that despite the pendency of the appeal, the respondents are not permitting the petitioner to participate in the tenders in conformity with the terms and conditions reflected in the aforesaid communication. It is, therefore, contended that action of the respondents is in derogation of the mandate and spirit of the aforesaid communication, cannot sustain the test of law, and is liable to be set aside.

05. Learned counsel for the petitioner further submits that the conditions imposed by virtue of the impugned communication are contrary to the policy issued by the Union, as reflected in the communication dated 11.03.2025, which has been placed on record as Annexure-II to the instant petition.

06. Heard learned counsel for the petitioner at length and perused the record.

07. With a view to proceed further in the matter and also in light of the submissions made by learned counsel for the petitioner, this Court deems it appropriate, at the first instance, to direct Mr. Vishal Sharma, learned DSGI, who has waived notice on behalf of the respondents, to have instructions in the matter in light of the averments made in the instant petition and the submissions advanced.

08. Keeping in view the urgency expressed by learned counsel for the petitioner, list this matter on **08.07.2026** in the supplementary list.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
03.07.2026
Mihul