



Serial No. 156 2026:JKLHC-JMU:1360
Supplementary List-2

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

WP(C) No. 2325/2025
CM No. 5377/2025
c/w
CCP(S) No. 303/2025
WP(C) No. 3077/2025
CM No. 7054/2025

Aniketh Jain

.....Petitioner

Through: Mr. Rahul Pant, Sr. Advocate with
Mr. Dhruv Pant, Advocate

Vs

UT of Ladakh & Ors.

.....Respondents

Through: Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, CGSC

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(30.12.2025)

WP(C) No. 2325/2025

- 01.** The institution of this writ petition by the petitioner came to take place on **20.08.2025** riding on a cause of action related to a decision taken on **13.08.2025** by the writ respondents communicated to the petitioner through **e-mail dated 14.08.2025** whereby the petitioner's bid came to be '**technically disqualified**' on account of it being non-compliant submitted in response to **e-NIT No. 53-DAH&F of 2025 dated 07.05.2025**.



02. By virtue of aforesaid **e-NIT No. 53-DAH&F of 2025 dated 07.05.2025**, bids were invited, (technical as well as financial) from the Principal/Original Manufacturer/Direct Importer/Authorized Distributor for fixing the rate contract for the year 2025-26 for supply of various Veterinary Drugs/Medicines (Allopathic/Ayurvedic) and Instruments as mentioned in the **‘BOQ’-(Bill of Quantities)**.
03. The petitioner, being a proprietor of a concern M/s Dutch Formulations and a manufacturer of various veterinary allopathic medicines, submitted his bid for advertised veterinary allopathic medicines on account of himself being a manufacturer of various veterinary allopathic medicines.
04. One of the terms and conditions stipulated in the e-NIT tender bidding document is to an effect that *“there is no Vigilance/CBI/Court case/Conviction pending against the bidder and an affidavit to the said effect”*.
05. At the time of opening of the technical bids, the petitioner came to be put to a notice dated **14.06.2025** to the effect that there is a complaint received with respect to a false affidavit submitted by the petitioner with respect to a case related to the petitioner by reference to **FIR No. 24/2022 dated 25.02.2022 registered by Police**



Station, Kala Amb in district Sirmour, State-Himachal Pradesh under sections 420/467/468 and 471 of IPC.

- 06.** The petitioner is said to have responded to said notice stating that the investigation of **FIR No. 24/2022 dated 25.02.2022** has resulted in a Closure Report and to said effect requisite documents were provided by virtue of a communication **dated 17.06.2025** from the end of the petitioner.
- 07.** In his communication dated **17.06.2025**, the petitioner came to submit that a closure report with respect to **FIR No. 24/2022** was submitted on **19.09.2022** stating therein that no offence was found made out whereas with respect to **FIR No. 70/2016**, the discharge of the petitioner from the array of the accused has taken place by virtue of an order dated **29.07.2016** by the **Special Designated Court, Ambala**.
- 08.** The petitioner, thus, submitted that from his perspective there was/is no court case pending against him although, the closure report relatable to **FIR No. 22/2022**, was pending before the learned Chief Judicial Magistrate, Nahan, for formal acceptance and that cannot be held to be a case pending against the petitioner.



09. It seems that in total twenty one (21) bidders had come forward in response to **e-NIT No. 53-DAH&F of 2025 dated 07.05.2025** out of which only two (2) bidders came to suffer '**technical disqualification**' whereas nineteen (19) being declared '**technically qualified**'.
10. The two disqualifying bidders are '**M/s Danish Labs and M/s Dutch Formulations**'.
11. The petitioner is relatable to one of the two disqualified bidders which being M/s Dutch Formulations.
12. The technical disqualification of the petitioner's bid meant that the petitioner was meant to be ousted from entering the competition in so far as the financial bid is concerned, even if the financial bid of the petitioner's as per 'BOQ'-(Bill of Quantities) was to be of some benefit to the public exchequer as against the competitors.
13. This Court, in terms of an order dated **25.08.2025**, came up with the following directions :-
- "....In the meanwhile, it is directed that the financial bids of petitioner and other bidders shall be opened and information in this regard shall be furnished to the Court in a sealed cover. In case, bid of petitioner is found to be the lowest, the contract shall not be allotted till the next date of hearing."**
14. This order was passed in presence of learned counsel for the respondents.



15. Instead of acting in compliance with the direction by counting the financial bid of the petitioner for evaluation, the respondents, for the reasons best known to them at their own risk and cost, carried out the evaluation of the financial bids of the other technically qualified bidders and came up with the rate formulations to the exclusion of the petitioner as a spectator even side stepping the direction of this Court in terms of the order dated **25.08.2025**.
16. The situation upon being reported to this Court by the petitioner resulted in an order dated **09.09.2025** in which this Court came to observe that it is the respondents who have precipitated the situation by acting in violation of the direction given in order dated **25.08.2025** and therefore, placed a direction upon the writ respondents not to take further action including finalization of supply order/rate of contract in the matter.
17. Objections to the writ petition came to be filed on **13.10.2025**. Objections to the application **CM No. 5377/2025** also came to be submitted from the end of the respondents.
18. Learned counsel for the respondents have vehemently come presenting a very desperate situation in hand at the end of the respondents whereby the supply of the



requisite veterinary allopathic drugs/medicines to the Union Territory of Ladakh has come to suffer a halt because of the directions of this Court given in the order dated **09.09.2025**, and therefore, urged this Court to consider the matter for enabling timely supply of veterinary drugs/medicines through the financially successful bidders, otherwise, the livestock in the Union Territory of Ladakh is said to be going to be exposed medical complications in the ongoing winter season for lack of medicines meant for administration to them.

- 19.** This Court cannot be expected by the respondents to act in dilution of its own directions, particularly, when the respondents chose to act in negation of the directions of this Court as given in order dated **09.09.2025**.
- 20.** Now, if the respondents have a desperate situation at their end then the way out for them is to act in compliance with the direction given in order dated **25.08.2025** by considering the financial bid of the petitioner and for the items in which the financial bid of the petitioner may come out to be L-1 vis-à-vis the successful bidders then to place the order for supply of those drugs in favour of the petitioner whereas for the rest of the drugs/medicines in which the petitioner's financial bid may lose out, then to proceed ahead with



the placement of supply order/s upon the successful bidder/s.

- 21.** The respondents are thus, directed to act accordingly, otherwise, the mandate of the order dated **09.09.2025** to continue to operate upon them.
- 22.** List this case on **31.01.2026**.

(RAHUL BHARTI)
JUDGE

JAMMU
30.12.2025
SUNIL

