

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2327/2024
CM No. 5682/2024

**M/s Narayan Construction
Company**

.... Petitioner/Appellant(s)

Through:- Mr. Amit Gupta, Advocate with
Mr. Sumit Moza, Advocate.

V/s

Union of India and others

.....Respondent(s)

Through:- Mr. Sumant Sudan, Advocate vice
Mr. Vishal Sharma, DSGI

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

26.09.2024

01. The petitioner has challenged the tender summary report dated 20.09.2024, whereby, the technical bid of the petitioner was rejected for tender reference No. GE/PNH-17/2024-25, dated 16.07.2024, for cleaning and repair of sewage lines, septic tanks, soakage wells, and allied works at KG, LKG, Jhallas, Surankote, and K. Nallah in the AOR of AGE B/R-III, as well as the repair/replacement of external security lights/fixtures and connected works in the AOR of STN HQ KG under GE 881 EWS. The rejection was for the reason '*not admitted due to no remarks in Work Load Return (WLR)*' as of 10.09.2024. The petitioner, it is submitted, was not provided with prior notice regarding the reasons for the absence of the WLR, thus denying him the opportunity to respond. Moreover, the respondents issued a satisfactory completion certificate on 13.09.2024 for works already executed.

02. Notice.

03. Mr. Sumant Sudan, Advocate, appearing vice Mr. Vishal Sharma, learned DSGI, accepts notice on behalf of the respondents. Objections, if any, be filed by the next date of hearing.

04. List on 25.10.2024.

05. Meanwhile, subject to objections from the other side and till next date of hearing, the respondents are directed to include the bids of the petitioner in the financial evaluation stage for tender reference No. GE/PNH-17/2024-25 dated 16.07.2024, alongside other qualified bidders. If the bids of the petitioner fail during the financial evaluation, they may be rejected on that basis. In case, the bids of the petitioner are found to be the lowest (L1), the issue of awarding the contracts under the respective NITs shall be considered only after the adjudication of the present writ petition.

06. A copy of this order be provided to the learned counsel for the petitioner under the seal and signature of Bench Secretary of this Court.

(Sindhu Sharma)
Judge

Jammu:

26.09.2024

Michal Sharma/PS