

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

Case No.:- WP(C) No. 2345/2024
CM No. 5713/2024

M/s Narayan Construction Company

.....Petitioner(s)

Through: Mr. Amit Gupta, Advocate.

Vs

UOI & ors

..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI.

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

ORDER
27.09.2024

1. The petitioner-M/s Narayan Construction Company is, in fact, a sole proprietorship concern of Munijar Yadav is coming forward with the present writ petition bearing a cause of action with the outcome of a Tender Summary Report dated 24.09.2024 wherein the bids submitted by the petitioner for the work of **“Repair/Maintenance of Internal Electrification and Connected Works at HQ CIF (R) under AGE (I) CIF (R)”** is reflected to be rejected/technical bearing remarks **“Due to No Remark in WLR QE June 2024”** thereby leaving the petitioner aggrieved that without any prior notice with regard to any such Work Load Return (WLR) was obtaining against him at the end

of the establishment of Military Engineering Service (MES), it has been dislodged from its legitimate right to compete in the bidding process for the contract work in which the petitioner was one of the three bidders.

2. The petitioner is a registered class-E contractor with Military Engineering Service (MES) establishment since 2011 and claims to have earned no disability/disqualification in the matter of execution of contract works whatsoever allotted by the Military Engineering Service (MES) in favour of the petitioner.
3. Acting on its own comprehension that the purported adverse WLR cited in the Tender Summary Report is relatable to a contract No. GE(I) 873/EWS-21/2023-24, the petitioner has come forward with the communication dated 13.09.2024 which is an acknowledgement of satisfactory completion of the contract work by the petitioner. Thus, the petitioner assails its alleged disqualification in terms of its bid to be unfair and malafide.
4. Prima facie case is made out.
5. Issue notice to the respondents in the main petition as also in application.
6. Mr. Vishal Sharma, learned DSGI accepts notice on behalf of the respondents. He seeks and is allowed four weeks time to file objections.
7. List again on 30.10.2024.

8. In the meantime, the respondents are directed to consider and evaluate the bid of the petitioner both technical as well as financial and in case the petitioner comes out to be a successful bidder then the outcome of the bidding process shall be subject to the further orders from this Court.
9. A copy of this order be furnished to both the counsel under the signatures of the Bench Secretary.

(RAHUL BHARTI)
JUDGE

JAMMU
27.09.2024
Naresh/Secy.

