

Serial No. 156
Supplementary List-1

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

WP(C) No. 2821/2025

M/s Inder Mohan Gupta

.....Petitioner

Through: Mr. R.K. Gupta, Sr. Advocate with
Mr. Ishna Vaid, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through: Mr. Ravinder Gupta, AAG
Mr. G.S. Thakur, Advocate

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(27.11.2025)

01. The petitioner was bidder with respect to the work enlisted at **Sr. No. 26 of E-NIT No. CEJ/PMGSY/792 of 2025-26 dated 30.07.2025** for the **“Construction and Maintenance of Road from L083 (Link road) NH Greebdass Nalli to Thore, Package No. JK19-4204, PMGSY-IV, Batch-I of 2025-26, Block-Batote, District Ramban (Using Waste Plastic) Length-3.500 kms”**.
02. In addition to this work, the petitioner has also submitted its bid for the work enlisted at **Sr. No. 10** for the **“Construction and Maintenance of Road from L036- (Link Road) Panchari to Namol Road KM 2nd to**

Thandal via Pari Padhar, Package No. JK14-4402, PMGSY-IV, Batch-I of 2025-26, Block-Panchari, District Udhampur (using Lime Stabilization) Length-5.200 kms”.

03. With respect to the work at Sr. No. 26 i.e. ***“Construction and Maintenance of Road from L083 (Link road) NH Greebdass Nalli to Thore, Package No. JK19-4204, PMGSY-IV, Batch-I of 2025-26, Block-Batote, District Ramban (Using Waste Plastic) Length-3.500 kms”***, the petitioner’s bid came to be held ‘non-responsive’ whereas with respect to the work at Sr. No. 10 ***“Construction and Maintenance of Road from L036-(Link Road) Panchari to Namol Road KM 2nd to Thandal via Pari Padhar, Package No. JK14-4402, PMGSY-IV, Batch-I of 2025-26, Block-Panchari, District Udhampur (using Lime Stabilization) Length-5.200 kms”***, the petitioner’s bid came to be held ‘**responsive**’.

04. The petitioner responded to the two works by reference to the same e-tender notice.

05. If for work No. 26, the purported disqualification of the petitioner’s technical bid as ‘non-responsive’ is non-attachment of EPF registration then how the petitioner’s technical bid for work No. 10 under the same very E-NIT

number evaluated by same set of respondents came to be held 'responsive' as is born out from BOQ summary details of tender title "**Construction and Maintenance of Road from L036-(Link Road) Panchari to Namol Road KM 2nd to Thandal via Pari Padhar, Package No. JK14-4402, PMGSY-IV, Batch-I of 2025-26, Block-Panchari, District Udhampur (Using Lime Stabilization) Length-5.200 kms**" in which the petitioner's financial bid post technical qualification came to be held as L-3 meaning thereby EPF registration was a condition met by the petitioner, then this Court is lost to figure out the basis of evaluation.

- 06.** This Court calls upon Chief Engineer, PMGSY (JKRRDA), Jammu to submit an affidavit to explain the mutually contradictory and destructive standpoint in the process of technical evaluation of the petitioner's two bids by the committee concerned.
- 07.** This Court cannot be expected to take the feed of facts from the respondents' end as a gospel truth without examining the veracity and accuracy thereof.
- 08.** In this case, this Court resisted from granting indulgence at the first instance inviting the reply from the respondents' end which has come from the end of the

respondents No. 1 to 7 but this aspect perhaps has not fallen for the due consideration of Chief Engineer, PMGSY (JKRRDA), Jammu which has telling effect on the outcome of the writ petition.

- 09.** It is being alleged by Mr. R.K. Gupta, learned Senior Advocate appearing for the petitioner that the financial bids came to be opened in a post-haste manner without even bothering to apprise the petitioner about the outcome of its complaint registered as per Standard Bidding Documents (SBD) protocol.
- 10.** Let the requisite affidavit come forth from the Chief Engineer, PMGSY (JKRRDA), Jammu.
- 11.** In the meantime, no further course of action to be taken at the end of the Chief Engineer, PMGSY (JKRRDA), Jammu in the matter of awarding contract with respect to serial No. 26 work to L-1, who is respondent No. 8-**M/s Malik Constructions Infra Pvt. Ltd., Batote, District Ramban.**
- 12.** Let the requisite affidavit be submitted positively by or before the next date of hearing keeping in view the fact that there is an urgency involved from both the ends that is from the end of the petitioner as well as from the end of

the official respondents related to the work of public nature.

13. List this case on **03.12.2025**.
14. Failure to file the requisite affidavit would result in a direction from this Court for personal appearance of the Chief Engineer, PMGSY (JKRRDA), Jammu.
15. Copy of this order be provided to Mr. Ravinder Gupta, learned Additional Advocate General for notice and compliance at the end of the concerned respondents.

JAMMU
27.11.2025
SUNIL

