

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

Case:- **WP(C) No. 3133/2026**
CM No. 6921/2026

Hafiz Construction Company Pvt. Ltd. and another

.....Petitioners

Through: Mr. Syed Faisal Qadri, Sr. Advocate
(through virtual mode)
with
Mr. Manik Dutt, Advocate

Vs

UT of Ladakh and others

.....Respondents

Through:

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

ORDER
29.09.2026

01. Heard Mr. Syed Faisal Qadri, learned Sr. Advocate for the petitioners appearing through virtual mode.

02. The petitioner No. 1 identifies itself to be a private company whereas the petitioner No. 2 introduces itself as a firm.

03. Bearing an identical business profile and expertise in construction and infrastructure development work, the petitioners No. 1 & 2 conjoined to constitute a joint venture (JV) and in that capacity came to respond to **e-NIT No. 10 of PW(R&B) Division Zanskar 2026-27** dated **02.07.2026** floated by the respondent No. 3 – Executive Engineer, R&B Division, Zanskar for the work of **“Construction of Link Road from**

Kargyak to Chumic Gyatsa Sarachu (under CRIF)", inviting bids for and behalf of the Lieutenant Governor of UT of Ladakh from approved and eligible contractors registered with the UT of Ladakh, CPWD/BRO/Railways/MES and other State/Central Government.

04. The advertised cost of the work reflected in said e-NIT is **Rs. 107.65 crores** with earnest money prescribed at **Rs. 2.15 crore.**

05. The class of the contractors eligible to participate is mentioned to be **"AAY (Civil)."**

06. Bids submission start date was **02.07.2026** and end date was **24.07.2026** with date of opening of technical bids fixed on **28.07.2026** and date of opening of financial bids to be notified after technical bids' evaluation completed.

07. Aforesaid **e-NIT No. 10 of PW(R&B) Division Zanskar 2026-27** dated **02.07.2026** carried 22 clauses. Submission of bids by the interested and eligible entities/Concerns was meant to be Online in electronic format with no scope for entertainment of financial bids in physical form.

08. There is said to be a committee constituted for dealing with the process and exercise of e-tendering of contract works in terms of an order dated **01.05.2024** issued vide No. **CE/PW(R&B)/32 of 2024.**

09. It is stated that 17 bidders came forward, be it as a joint venture concerns or in individual status.

10. The technical evaluation of the bids submitted by all 17 bidders is said to have taken place on the scheduled date of **28.07.2026** under the scrutiny and supervision of 5-Member Committee headed by the Chief Engineer, PW(R&B) Department, UT of Ladakh but not followed by disclosure and declaration on said very date.

11. The outcome of the technical evaluation came into public domain pursuant to a meeting of the Committee presided over by the respondent No. 2 – Chief Engineer, PW(R&B) Department, UT of Ladakh on **23.09.2026**.

12. The petitioners' submitted JV bid came to be evaluated with a purported deficiency projected that with respect to the petitioner No. 2 similar nature of work experience of the minimum amount was found not submitted whereas all other 13 parameters with respect to the petitioner No. 2 were found to be OK and all 14 parameters with respect to the petitioner No. 1 also found to be OK.

13. Out of technical evaluation process of 17 bidders by reference to its respective bids, 13 bidders came to be shortlisted having qualified the technical evaluation in which the petitioners found its JV name missing.

14. The petitioners from its end came to make a written representation dated **23.09.2026** to the respondent No. 2 – Chief Engineer, Public Works (Roads & Buildings) Department/PMGSY, UT of Ladakh stating its objection of declaring its bids as non-responsive in the technical evaluation by purported reference to

same nature of work experience of the minimum amount not submitted from the end of the petitioner No. 2 as one of the two joint venture partners.

15. In its representation, the petitioners came to be submit that requisite experience document, including the allotment letter, BOQ and completion certificate pertaining to similar work executed by the petitioner No. 2 were all uploaded along with bid submission which came to suffer oversight by the technical evaluation committee and thereby terming qualification into a disqualification without any basis to oust the petitioners from the competition.

16. The respondent No. 2 – Chief Engineer, PW(R&B) Department, UT of Ladakh was urged by the petitioners to examine the technical bid of the petitioners and verify the same in accordance with the applicable provisions of the standard bidding document so as to qualify the petitioners technical bid for facilitating its participation in the financial bid evaluation stage.

17. Following the petitioners' said representation dated **23.09.2026** so made to the respondent No. 2 - Chief Engineer, PW(R&B) Department, UT of Ladakh, a communication dated **26.09.2026** by the Technical Officer to the respondent No. 2 - Chief Engineer, PW(R&B) Department, UT of Ladakh came to be addressed to the respondent No. 2 stating that the technical evaluation submitted by reference to **23.09.2026** is revoked due to some mistake in evaluation from the end of the respondent No. 2's office and, therefore, the respondent No. 3 – Executive

Engineer, PW(R&B) Department, Division Zanskar was urged to revoke the technical evaluation updated on e-portal.

18. The petitioners were taken by surprise when second time also in terms of a meeting held on **26.09.2026** of the contract finalizing committee presided over by the respondent No. 2 - Chief Engineer, PW(R&B) Department, UT of Ladakh, outcome came forward repeating rejection of the petitioners' bid on the same excuse as in terms of outcome of **23.09.2026**, thereby leaving the petitioners high and dry to be confronted with the prospect of unceremonious ouster for qualification and participation in the financial evaluation stage with respect to its bid and this is where the petitioners comes up with the cause of action to file the present writ petition setting out the grounds in para 7 of the writ petition stating that the petitioners' bid is not fated to suffer disqualification and the adverse decision from the end of the respondents No. 2 & 3 is an unfair and arbitrary for which the respondents No. 2 & 3 ought to have done the course correction but not happening so the petitioner are seeking the judicial review jurisdiction of this Court.

19. *Prima facie* case made out, as the petitioners in its representation dated **23.09.2026**, in very categorical terms have apprised the respondent No. 2 that its bid does not suffer the purported disqualification and/or deficiency.

20. Issue notice to the respondents in the main petition as also in connected **CM No. 6921/2026**.

21. Petitioners to furnish registered postal covers for the services of the respondents within a period of ten days, whereupon the notices shall go to the respondents.

22. In the meantime, the respondents No. 2 & 3 are directed to entertain and evaluate the financial bid of the petitioner as well in comparison with the financial bids of technically qualified bidders. In case, the petitioners' financial bid loses out so as not to qualify to be L-1 bidder, then the finalization of tendering process be taken to its logical conclusion. In case, the petitioners' financial bid, in terms of its comparative evaluation, comes out to be competitive one so as to be declared as L-1, then further course of action shall remain subject to outcome of the writ petition. In case, the respondents No. 2 & 3 would reckon that the financial evaluation stage has been carried out resulting in declaration of one of the technically qualified bidders to be L-1 and that the petitioners' financial bid is, thus, not eligible to be financially evaluated then formal allocation of contract shall remain on hold till next date of hearing.

23. List on **04.11.2026**.

(RAHUL BHARTI)
JUDGE

JAMMU
29.09.2026
Muneesh