

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

WP(C) No. 3036/2025

CM No. 6973/2025

c/w

WP(C) No. 2998/2025

CM No. 6897/2025

S. G. F. Infra Private Limited

.....Petitioners

Through: Mr. Rahul Pant, Sr. Advocate with
Mr. Anirudh Sharma, Advocate
in WP(C) No. 3036/2025
Mr. Amit Gupta, Sr. Advocate with
Mr. Sumit Moza, Advocate
in WP(C) No. 2998/2025.

Vs

UT of J&K and another

..... Respondents

Through: Mr. Ravinder Gupta, AAG

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

ORDER
(04.11.2025)

WP(C) No. 3036/2025

1. The petitioner- S. G. F. Infra Private Limited is a private company carrying on and engaged in construction business.
2. The petitioner- S. G. F. Infra Private Limited by virtue of its Board of Directors' Resolution dated **28.10.2025** has authorized Sh. Sudesh Kumar Mengi to act on its behalf in the matter of filing of the present writ petition before this Court which came to be filed on **30.10.2025**.
3. In terms of first order dated **03.11.2025**, this Court directed listing of this writ petition alongwith an already pending



writ petition **WP(C) No.2998/2025** preferred by **M/s Neel Constructions & Developers.**

4. The commonality of the two writ petitions is that the e-NIT is common and the work tendered is common responded by two petitioners but with different outcomes.

5. The petitioner- S. G. F. Infra Private Limited is one of four competing bidders who came to respond to the respondent No. 2 – Chief Engineer, PMGSY (JDRRDA), Jammu's notice inviting e-tender **No.CEJ/PMGSY/794 of 2025-26** dated **08.08.2025** in which 56 numbers of works came to be advertised and the tender submitted by the petitioner- S. G. F. Infra Private Limited is with respect to work at serial No. 32.

6. One of the works so advertized in terms of the aforesaid e-NIT was at serial No. 32 which is as follows:-

“Construction and Maintenance of Road from L031-(Link Road) Dhanmasta to Kharwan via Runigam, Package No. JK19-4008, PMGSY-IV, Batch-I of 2025-26, Block-Ramsu, District Ramban, Length-4.600 Kms.

Adv. Cost excluding maintenance but inclusive of GST-Rs. 1093.67 Lacs.”

7. The other three bidders were **M/s M. A. Constructions, M/s M. A. Engineering & F. I. (J.V.)** and **M/s Neel Constructions & Developers.**

8. The bids were invited on percentage basis with respect to the works advertised which also included maintenance for five years period from the date of completion on OMMAS.



9. A six member Evaluation Committee carried out evaluation of technical bids of four bidders to come up with an outcome wherein three bidders, namely, M/s M. A. Construction, M/s M. A. Engineering & F.I. (J.V.) & M/s Neel Constructions and Developers Submitted bids came to be declared non-responsive, whereas the technical bid of the petitioner- S. G. F. Infra Private Limited was declared responsive.

10. It is upon the declaration of technical bid evaluation that one of the non-responsive bidders, namely, M/s Neel Constructions and Developers came forward with the writ petition **WP(C) No. 2998/2025** agitating its bid being disqualified at technical stage as unfair and illegal which resulted in this Court passing of an order dated **29.10.2025**, whereby the writ respondents therein, which of course are the respondents in the present writ petition as well, stood directed not to repeat work of item No. 32 to re-tender.

11. The petitioner- S. G. F. Infra Private Limited herein at its end was expecting a favourable call with respect to its responsive financial bid to bear financial evaluation but instead came across with an order **No. CEJ/PMGSY/15786** dated **27.10.2025** issued by the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu thereby declaring that as only single bidder was found responsive, as such, the work put to e-tender on Sr. No. 32 be put to fresh tenders.

12. It is this approach adopted by the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu which has left the



petitioner- S. G. F. Infra Private Limited aggrieved to come assailing the exercise of discretion at the end of the respondent No. 2 – Chief Engineer, PMGSY (JKRRDA), Jammu in shelving the e-tendering process with respect to the work in reference.

13. The petitioner- S. G. F. Infra Private Limited in its writ petition is assailing the impugned outcome on the basis of the grounds as set out in para 15(a) to (c) in which reference and reliance is being made to the protocol being envisaged by the Govt. of India meant for all the States and the Union Territories to follow in the event of coming across with one responsive bid situation known as single offer/single tender situation.

14. Mr. Rahul Pant, learned Senior Advocate refers this Court to the essence of the Circular dated 28.08.2024 issued by the Govt. of India through its Ministry of Road, Transport and Highways addressed to all the States and the Union Territories of the country on the subject of acceptance of single bid for National Highways works.

15. The submission of Mr. Rahul Pant, learned Sr. Advocate for the petitioner is that the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu in shelving the e-tendering process resorted to an act of mechanical exercise of discretion without bearing in mind the mandate of the circular and that is exhibited from the impugned order which comes with a one liner decision of putting the work to fresh e-tender. Learned Sr. Advocate for the petitioner submits that it is the petitioner- S. G. F. Infra Private Limited which is being made to suffer for the failure of the other



bidders, whereas the petitioner- S. G. F. Infra Private Limited's financial bid ought to have been opened and evaluated and if price quoted is to be found reasonable and genuine then only a decision could have been arrived at by the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu in this regard so as to sub-serve the spirit of the Circular.

16. Since in terms of an order dated **03.11.2025**, this writ petition has been clubbed with a pending writ petition **WP(C) No.2998/2025**, therefore, learned Senior Advocates - Mr. Rahul Pant as well as Mr. Amit Gupta arguing for their respective petitioners would submit that the respondent No.2 - Chief Engineer, PMGSY (JKRRDA), Jammu can be directed to open the bids of both the petitioners and then take a realistic call.

17. Notice.

18. Notice accepted on behalf of the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu, Mr. Ravinder Gupta, learned AAG, who seeks time to file response to writ petition.

19. Let requisite response be filed positively by or before the next date of hearing.

20. In the meantime, this Court is also inclined to accept the aforesaid plea of the learned Senior Advocates appearing for the respective petitioners by directing the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu to open the financial bid of the petitioner- S. G. F. Infra Private Limited herein as being the single responsive bidder as well as well as of petitioner- M/s



Neel Constructions & Developers having suffered rejection of technical bid and then share the result of evaluation of financial bids with this Court.

21. This Court is not averse to this plea of the learned Senior Advocates of the petitioners and, accordingly, directs the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu to consider the financial bid of the petitioners in both the cases and come up with the status of the two financial bids in a sealed cover by the next date of hearing.

22. The compliance on the part of the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu with this direction of the Court shall be without prejudice to the right of the respondent No. 2 to submit reply in both the aforesaid writ petitions and earn the adjudication of the writ petitions on merits.

23. List on 24.11.2025.

24. Copy of this order be provided to Mr. Ravinder Gupta, learned AAG appearing for the respondent No. 2 - Chief Engineer, PMGSY (JKRRDA), Jammu for compliance.

(RAHUL BHARTI)
JUDGE

JAMMU
04.11.2025
Muneesh