



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10755 of 2026

M/S Kant Construction Company

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Devbrat Mukherjee, Siddharth Mukherjee
Counsel for Respondent(s)	:	C.S.C., Harshit Kumar Srivastava, Himanshu Srivastava, Madan Lal Srivastava

Along with :

- Writ - C No. 11154 of 2026:**
Kant Construction Company
Versus
State of U.P. and 3 others
 - Writ - C No. 12260 of 2026:**
Kant Construction Company
Versus
State of U.P. and 3 others
 - Writ - C No. 12100 of 2026:**
M/s Rudra Enterprises
Versus
State of U.P. and 5 others
-

Court No. - 29

**HON'BLE ARINDAM SINHA, J.
HON'BLE SATYA VEER SINGH, J.**

1. Mr. Devrat Mukherjee, learned advocate appearing on behalf petitioner in the lead case (Writ-C no. 10755 of 2026), draws attention to paragraph-21 in his client's writ petition to submit, there is averment that prior to opening of bid as per schedule at 11:30 am on 24th February, 2026, his client had already submitted physical copies of all requisite documents pursuant to notice dated 12th January, 2026. Paragraph-21 is reproduced below.

"21. That the aforesaid tender was opened as per Schedule at 11:30 AM on 24.02.2026 and petitioner had already submitted physical copy of all

*the requisite documents as per serial No. 2 of the notice dated 12.01.2026 to the office of respondent nos. 2 and 3 as per requirement and after that a check list was issued under the signature of the Committee in which "affidavit of petitioner" for no dues has been mentioned "not available" by the Committee and tender of the petitioner had not been considered. It is further submitted with great emphasis that petitioner had already supplied all physical documents as per requirement of serial no. 2 of the notice dated 12.01.2026 on 24.02.2026 but the tender committee under the influence of respondent no. 4 just to give the preference to him purposely by arbitrarily manner and could not considered the tender of petitioner in absence of not submitting the physical copy of affidavit of **No Dues** and further illegally accepted about 7 times less offer of respondent no. 4, i.e., Rs. 207/ per QMTR instead of offer made by petitioner **Rs. 1051/-** per QMTR. A copy of check-list dated 25.02.2026 issued by Tender Committee presided over office of respondent No. 2 is being filed herewith."*

State has filed counter. Paragraph-10 in the counter deals with, *inter alia*, said averment. Paragraph-10 is reproduced below.

"10. That the contents of Paragraph Nos. 17, 18, 19, 20, 21 and 22 of the writ petition are not admitted in the manner, as stated, hence denied. In reply, thereof, it is submitted that in the Condition No. 4 of the advertisement dated 12.01.2026, it has been specifically provided that original hard copy of uploaded documents shall be compulsorily deposited before opening of bid. Since the petitioner has not submitted the original hard copy of the affidavit regarding no mining dues, therefore same was found to be non fulfillment of the condition of the tender notice dated 12.01.2026 and accordingly the petitioner was declared disqualified in the technical bidding process, therefore, his financial bid was not opened.

It is further submitted that petitioner's averment that he has submitted bid of Rs. 1051/- per cubic meter cannot be admitted because, without opening of financial bid no information regarding petitioner's bid being Rs. 1051/- can be ascertained.

It is further submitted that aforesaid bid process was conducted on the

Portal and in the aforesaid process there is no manual intervention, therefore until or unless financial bid is opened, no information regarding petitioner's bid can be gained. It is also submitted that petitioner alongwith the Mining Area mentioned at Point No. 7 of tender notice dated 12.01.2026 has also participated in respect of mining area mentioned at Serial No. 8, 9 of the tender notice. In respect of area mentioned at Point no. 8, 9 of tender notice also petitioner has not submitted original hard copy of the affidavit in respect of no mining due. The aforesaid act of the petitioner was found to be violation of condition of the advertisement.

It is further submitted that allegation leveled by the petitioner is false, frivolous and without there being any basis."

2. We have also perused the rejoinder filed. It transpires that date of physical submission of the documents was not specifically stated by petitioner. In the circumstances, since there is allegation that the documents were deposited prior to scheduled date and time of opening the bids, we require State to produce the file. This is because State relies, *inter alia*, rule-26 (b) for contention that the bids were not opened as found to be technically deficient. Petitioners in the other writ petitions are represented as are State and private respondents.

3. Rejoinder filed in the lead case and connected Writ-C nos. 11154 of 2026 and 12260 of 2026 are taken on record.

4. List on 4th May, 2026 as fresh. The interim order to continue till next date of hearing.

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

April 24, 2026
Shiraz