
(2024) 02 J&K CK 0016
In the Jammu And Kashmir High Court
Case No : Writ Petition (C) No. 226 Of 2024

Shamus Ud Din

APPELLANT

Vs

Union Territory Of J&K And Others

RESPONDENT

Date of Decision : 12-02-2024

Acts Referred:

Citation : (2024) 02 J&K CK 0016

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Sachin Gupta, Ravinder Gupta

Final Decision : Disposed Of

Judgement

Rajnesh Oswal, J

1. The petitioner has filed instant petition seeking following reliefs:

Writ of Certiorari thereby quashing Revised Summary of Technical Evaluation report bearing No. CEJ/PMGSY/35526 dated 05.02.2024 in respect for package for Balance work for Construction of road from Neoch to Dewal Package no. JK14-210 Phase IX stage I and II of Block Mahore District Reasi Length 8 km by virtue of which the name of the petitioner has been included in the Column of Non-responsive on the ground that the Bid Capacity is less than the qualifying requirement.

Writ of Mandamus, thereby directing the respondents more particularly the respondent no. 2 not to act upon the impugned communication no. report bearing no. CEJ/PMGSY/35526 dated 05.02.2024 in any manner whatsoever by opening the financial bid of responsive bidders for the work for Construction of road from Neoch to Dewal Package no. JK14-210 Phase IX stage I and II of Block Mahore District Reasi, Length 8 km on 13.02.2024 in favour of the private respondents.

Writ of mandamus, thereby directing the respondents more particularly the

respondent no. 2 the respondent no. 2 to consider the case of the petitioner a fresh and allot the work for Construction of road from Neoch to Dewal Package no. JK14-210 Phase IX stage I & II of Block Mahore District Reasi Length in all aspects.

Writ of Mandamus: Directing the respondent no. 2 to submit the record pertaining to the allotment made to the private respondents in PWD (R&B) & PMGSY department till the issuance of the E-NIT with respect to the work for Construction of road from Neoch to Dewal Package no. JK14-210 Phase IX stage I & II of Block Mahore District Reasi Length 8 km before this Hon'ble Court, so as to establish this bid capacity.

Any other relief which this Hon'ble Court may deem just and proper in the facts and circumstances of the case be passed in favour of the petitioner and against the respondent.

2. Learned counsel for the petitioner submits that the petitioner shall not be insisting for grant of specific reliefs as mentioned in the writ petition but at the same time, the petitioner submits that the official respondents be directed to consider the eligibility of the private respondents, so far as technical bid of respondent No. 4 is concerned.

3. Though there is no whisper in the writ petition that the petitioner at any point of time has made any representation before the official respondents in terms of Clause 22.6 of the Standard Bidding Document(SBD), but the learned counsel for the petitioner submits that the petitioner has filed the representation with the Chief Engineer concerned and in the said representation, besides raising grievance in the respect of the rejection of the bid of the petitioner, the petitioner has also raised the issue in respect of the qualification of other two contractors i.e. respondent Nos. 3 and 4. In support thereof, he has produced the copy of the said representation, which is taken on record.

4. Mr. Ravinder Gupta, learned AAG appearing on behalf of the official respondents has produced a communication dated 12.02.2024, wherein it has been stated that the representation submitted by the petitioner is under active consideration with the Bid Evaluation Committee.

5. In view of this, since the petitioner has not pressed his reliefs in respect of the rejection of his technical bid in respect of e-NIT No. CEJ/PMGSY/756 of 2023-24 dated 02.12.2023 and the official respondents have already mentioned in the aforesaid communication that the representation of the petitioner is under active consideration and the financial bid of the work will be opened only after the resolution of the said representation, as such, no further directions are required to be issued. The present writ petition is, accordingly, disposed of.