

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

LPA No. 219/2025 in
WP(C) No. 2592/2025
CM No. 6197/2025

M/s Unique Sanitation and Outsourcing ...Petitioner(s)/Appellant(s)
Service

Through: Mr. S. S. Ahmad, Advocate
Mr. Arshad Majid Malik, Advocate

v/s

UT of J&K and others Respondent(s)

Through: Mr. Mayank Gupta, for R 2 to 4,

**CORAM: HON'BLE THE CHIEF JUSTICE (through virtual mode)
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

ORDER
30.09.2025

1. Impugned in this intra court appeal is an order dated 19.09.2025 passed by the learned writ court, whereby the learned writ court has deferred the interim relief sought by the appellant for the time being.
2. In the writ petition, the appellant has sought the following reliefs:

CERTIORARI:

- (i) Quashing illegal, arbitrarily & *mala fide* Order/Communication JMC/Estt/4424 No. 23.08.2025 dated issued by respondent No. 4, whereby e-NIT no. 01-JCA-NGO of 2024-2025 dated 08.11.2024 and e-NIT no. 04-JCA-NGO of 2024-25 dated 05.12.2024 has been withdrawn without giving any reason and it was further notified that fresh e-NIT's shall be published shortly.

- (ii) Quashing e-NIT no. 10-JCA-NGO of 2025-26 uploaded on JK Tenders on 01.09.2025 with regard to the same works, which were earlier tendered vide e-NIT no. 01-JCA-NGO of 2024-2025 dated 08.11.2024 and e-NIT no. 04-JCA-NGO of 2024-25 dated 05.12.2024.

MANDAMUS: -

Commanding the respondents to complete the tendering process initiated pursuant to e-NIT no. 01-JCA-NGO of 2024-2025 dated 08.11.2024 and e-NIT no.04-JCA-NGO of 2024-25 dated 05.12.2024.

3. The grievance projected by the appellant is that in e-NIT No. 10-JCA-NGO of 2025-26 uploaded on JK Tenders on 01.09.2025, the respondent No. 4 has illegally and arbitrarily added a condition i.e **“Agency/NGO/FIRM has to furnish an affidavit duly signed by 1st Class Magistrate of not having been blacklisted by any Govt. Department since last 3 years. The bidder should not hide any information in this regard. Non submission of litigation history shall render his bid non responsive. The allotment to those bidders found successful but not having pending legal cases in the Hon’ble Court related man power supply and the like shall be kept withheld till the decision of Hon’ble Court related to their pending cases is issued. The Notary attested affidavit shall not be accepted.** It is also contended that e-NIT no. 04-JCA-NGO of 2024-25 dated 05.12.2024 could not have been withdrawn by the respondents.
4. It is stated that this condition has been incorporated only to oust the participation of the appellant in the tendering process. In an application

for grant of interim relief, the appellant had sought stay of operation of above mentioned order dated 23.08.2025 and e-NIT No. 10-JCA –NGO of 2025-26 uploaded on JK Tenders on 01.09.2025.

5. The learned writ court vide order dated 19.09.2025, while issuing notice to the respondents deferred the interim relief after observing that the condition regarding withholding of allotment to successful bidders, who have pending legal cases in the Court, would come into play only after the bidding process is complete.
6. The appellant being aggrieved of the order dated 19.09.2025 in respect of deferring of interim relief has assailed the same on the ground that the learned writ court has not appreciated the contention of the writ petitioner that the order dated 23.08.2025 has been passed in an arbitrary and mechanical manner and further that condition *ibid* has been incorporated in e-NIT No. 10-JCA –NGO of 2025-26 uploaded on JK Tenders on 01.09.2025 only to ensure the ouster of the appellant from the bidding process.
7. The order impugned in this appeal is an interim order and learned writ court has not determined any of the rights of the appellant. Rather the learned writ court has observed that the condition, of which the appellant is aggrieved of, shall come into play only after the bidding process is complete. As already observed above, order impugned in this appeal is an interlocutory in nature, not determining the final rights of the appellant, as such, grievances projected by the appellant in this appeal cannot be considered at this stage, lest it shall prejudice either of the parties during the final consideration of the writ petition.

8. In view of the above, without expressing any opinion upon merits of claims of the either of the parties, we dispose of this appeal with an observation that after the bidding process is over, the appellant can project his claim before the learned writ court for redressal of his grievances.
9. Disposed of.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU:
30.09.2025
Karam Chand/Secy

