

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

**WP(C) No. 3227/2025
CM No. 7379/2025**

R.B. Chopra Freighters Pvt. Ltd.

.....Petitioner

Through: Mr. Sachin Gupta, Advocate

Vs

UT of J&K & Ors.

..... Respondents

Through: Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dachichi, CGSC

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

**ORDER
(18.11.2025)**

- 01.** The petitioner is engaged in a neck to neck fight in terms of financial bids submitted by the petitioner as well as by the respondent No. 5-M/s Gyalpo Construction Company wherein the financial bids submitted by the respondent No. 5 at Rs. 2,99,86,542.30 as against the petitioner's financial bid at Rs. 3,09,87,494.53 outruns the petitioner's final bid to come as L-1 for the contract of ***"Redevelopment of Community hall at Katmochay Skampari Leh"*** which leaves the petitioner with a pinch of salt that the respondent No. 5 was meant to be technically disqualified on account of suppression of facts with respect to the number of works in which it was contractually engaged as in the affidavit submitted by the

respondent No. 5 the disclosed number of works are seven (07) whereas 8th work in the hands of the respondent No. 5 being the one related to tender ID: 2025_PWD_15930_5 was left undisclosed.

02. It is by reference to this omission on the part of the respondent No. 5 of not mentioning said 8th work in its affidavit that the petitioner is taking exception to the entertainment of the respondent No. 5 as L-1 bidder instead of the petitioner who being L-2 ought to have been in the driver seat to the exclusion of the respondent No. 5.

03. The petitioner's grievance gets compounded from the fact that his written representation addressed to the Administrative Secretary, Public Works Department (PWD), Leh, UT of Ladakh put across through e-mail dated 12.11.2025 have gone unanswered and unattended thereby prejudicing its right of representation to seek disqualification of the respondent No. 5.

04. Mr. Vishal Sharma, learned DSGI enters appearance on behalf of the respondents.

05. This Court cannot substitute itself in the seat of the decision-maker and accordingly, it is for the respondent No. 1 to take a call on the representation of the petitioner

as to whether it carries any persuasion worth an effect on the outcome of the financial bidding evaluation or it is meant only for the sake of objection with respect to respondent No. 5 coming as L-1.

- 06.** Accordingly, this writ petition is **disposed of** with a direction to the respondent No. 1-UT of Ladakh through Commissioner Secretary to Government, Public Works Department (R&B), Civil Secretariat Leh, Ladakh, **to consider** the written representation dated 12.11.2025 addressed by the petitioner to respondent No. 1 within a period of three days from the date of passing of this order and deliver an order in writing bearing reasons dealing with the representation of the petitioner with a copy advanced to the petitioner.
- 07.** Disposal of this writ petition, therefore, will not prejudice the rights of the petitioner, in case, if the petitioner continues to remain with the grievance with respect to the successful declaration of L-1 bidder in favour of the respondent No. 5.
- 08.** Future course of action in the matter shall be dependent upon the decision of the respondent No. 1 with respect to disposal and decision of the representation of the petitioner.

- 09.** A copy of this order be provided to Mr. Vishal Sharma, learned DSGI under the seal and signatures of the Bench Secretary of this Court.

**(RAHUL BHARTI)
JUDGE**

**JAMMU
18.11.2025
SUNIL**

**Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No**

