

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

Date of pronouncement: 03.12.2025
Uploaded on: 08.01.2026.

WP(C) No. 3409/2025
CM No. 7756/2025

M/s Thakur Balwan Singh

.....Petitioner(s)

Through: Mr. Sunil Sethi, Sr. Advocate with
Mrs. Veenu Gupta, Advocate

Vs

Hindustan Petroleum Corporation Ltd. & Ors.

.....Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(03.12.2025)

- Respondent No. 1-Hindustan Petroleum Corporation Ltd. (in short **'HPCL'**) vide e-tender notice No. **LPG/BULK/TT/HPC/Jammu & Kashmir/2025-30 (RFQ No. 5100019435) (e-tender No. 2400019435-HD-09050)** published on **01.03.2025** invited bids for award of contract for **'Bulk LPG Transportation by Road for the State of J&K'** for a period of five (5) years 2025-2030 floated for the purpose of meeting State-wise requirement of capacity 12 MT, 15 MT, 18 MT and 21 MT TTs of HPC.
- In terms of the aforesaid e-tender notice, interested bidders were invited to quote **"Rate in form of % change on**

Benchmark Rate (BMR)”. Preference in induction was meant for those bidders quoting at floor rates and having State registered trucks and as per tender evaluation criteria mentioned in the tender notice.

3. The e-tender notice spelled out expressly how bidder/s was/were to come forward with quoting of the Tank Trucks/Owned Trucks/Attached Trucks/Proposed Trucks.
4. Clause-V of the e-tender notice provided for **‘Conditions governing the offer of trucks’**.
5. Clause-VI of the tender notice provided for **‘Cluster of States’**.
6. The bidding process was to comprise of technical evaluation of the bids as well as price evaluation of the bids.
7. After scrutiny of the technical bids, the eligible bidders, meeting all the technical requirements, were to be notified regarding the date and time for opening the price bid through e-portal.
8. Tender Evaluation and Allocation Criteria came to be spelled out at serial No. 5 of the e-tender notice.
9. Respondent No. 1-HPCL, by virtue of two provisional letters of acceptance dated **26.08.2025** and **29.10.2025**, came to apprise the petitioner about acceptance of its bid for Tank Truck registration No. **PB13BB-6096** under category **‘Owned**

TT capacity (MT-12)’ and Tank Truck No. **PB13BB-6097** also under category **‘Owned for TT capacity (MT-12)’**.

10. The aforesaid provisional letters of acceptance for aforesaid two tank trucks in favour of the petitioner were against the tendering of seven numbers of 12 MT Tank Trucks by the petitioner and, thus, while Tank Trucks No. **PB13BB-6096** and Tank Truck No. **PB13BB-6097** came to be accepted in bid but rest of quoted five tank trucks, self-owned by the petitioner, bearing registration Nos. **HR38T-5955, HR38T-4798, HR38T-2923, PB13BQ-7497 and PB13BQ-7719** suffered non-consideration.
11. By reference to serial No. 5-Tender Evaluation and Allocation Criteria (G) providing for **allocation of balance tank trucks (unreserved category)**, the petitioner comes up with the grievance that the respondent No. 1-HPCL was obliged to give a preference for allotment of contract by strictly following the criteria laid down in sub-clause (a) to (c) in continuation with clause (d) under clause (G)-**allocation of balance tank trucks (unreserved category)**.
12. In furtherance to this submission, Mr. Sunil Sethi, learned Senior advocate arguing for the petitioner submits that if the criteria as settled and prescribed would have been followed by the respondent No. 1-HPCL, then the petitioner’s five tank trucks bearing registration Nos. **HR38T-5955, HR38T-4798,**

HR38T-2923, PB13BQ-7497 and PB13BQ-7719 would have also been held qualified for hire for the needful purpose of transportation of bulk LPG by road instead of leaving the petitioner beneficiary of engagement of only two of his tank trunks i.e., **PB13BB-6096** and **PB13BB-6097**.

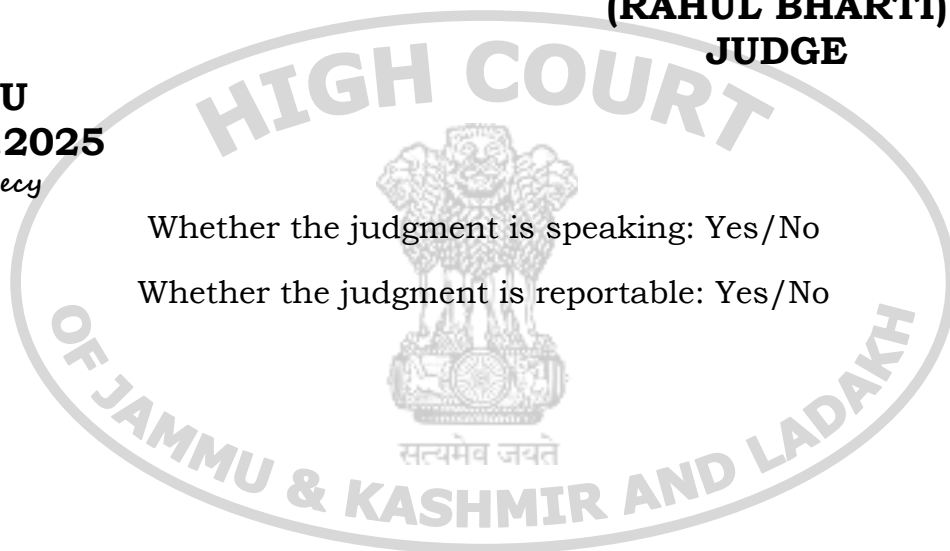
13. As against seven tank trucks offered by the petitioner in its bid since only two have come to be issued provisional letters of acceptance, as such, it is by deeming reference that the rejection of the remaining five tank trucks of the petitioner has taken place for the petitioner to feel aggrieved.
14. At first instance, this Court felt inclined to grant indulgence by putting the respondents on notice but upon going through the Tender Bidding Document, in particular, its Clause 24 thereby providing Bidder a right to question with respect to rejection of bid, this Court is of the view that the cause of the petitioner would be well served by reverting back the petitioner to exercise its right so reserved under Clause 24 of the tender document by making the requisite complaint/representation as envisaged under Clause 24 to the authority concerned by or before **15.01.2026** whereupon the said complaint/representation to be considered on merits within next fifteen (15) days by or before 31.01.2026 notwithstanding the expiry of the time line as set out in Clause 24 and an order based on reasons to be then passed by the authority concerned with a

copy to be delivered to the petitioner, be it favourable or against, for enabling the petitioner to have next legal course of action at its disposal.

15. Writ petition, is accordingly, disposed of with liberty of making complaint/representation in favour of the petitioner with corresponding obligation on part of the authorities concerned to consider the same as per time frame referred in para 14.

(RAHUL BHARTI)
JUDGE

JAMMU
03.12.2025
Naresh/Secy



Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No