

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

Case: WP(C) No. 773/2026

Vijay Kumar
S/o Sh. Anchal Ram
R/o Patel Nagar Kathu Jammu & Kashmir

..... Petitioner(s)/Appellant(s)

Through :- Mr. Abid Malla, Advocate

Vs

- 01.** U.T. of J&K through Administrative Secretary to the Government, Youth Services and Sports Department, Civil Secretariat Jammu and Kashmir, Jammu. Respondent(s)
- 02.** Secretary
Jammu & Kashmir Sports Council,
Jammu Moulana Azad Stadium
Jammu.
- 03.** Executive Engineer,
Sports Construction Division Jammu
Jammu & Kashmir Sports Council,
Jammu Moulana Azad Stadium
Jammu.
- 04.** Assistant Executive Engineer II
(Second) Sports Construction
Division Jammu Jammu & Kashmir
Sports Council, Jammu Moulana
Azad Stadium Jammu.
- 05.** Chief Accounts Officer
Sports Construction Division Jammu
Jammu & Kashmir Sports Council,
Jammu Moulana Azad Stadium
Jammu.
- 06.** Assistant Accounts Officer
Sports Construction Division Jammu
Jammu & Kashmir Sports Council,
Jammu Moulana Azad Stadium
Jammu.

- 07.** Draftsman
Sports Construction Division Jammu
Jammu & Kashmir Sports Council,
Jammu Moulana Azad Stadium
Jammu.
- 08.** Superintending Engineer
Public Works (Roads & Buildings)
Department Circle Udampur-
Ramban Near Dak Bungalow, Opposite
The Blue Sapphire Hotel, Udampur.
- 09.** ASEL ARS SPORTS PVT LTD
Through Authorized Representatives
Capt. Anubhav Kochar
Mobile No. +91-9997126297
Vishal Thakur
Mobile No. +91-9953838640
Registered Office: C-6/5, Ratan
Tower, 1st Floor Jagriti Vihar Garh
Road, Meerut (U.P.)- 250002

Through :- Ms. Anshuja Tak, Advocate for R-2 to 7

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER(ORAL)

30.03.2026

01. The only issue canvassed in the instant petition is that the impugned notification dated 16.01.2026, which is the subject matter of the instant petition, has been issued by respondent Nos. 2 to 8 without following due procedure of law, inasmuch as an ineligible participant has been declared qualified by the Technical Evaluation Committee due to non-application of mind. Accordingly, the impugned notification, as per learned counsel for the petitioner, is bad in the eyes of law and is liable to be set aside.

02. It has been vehemently argued by the learned counsel for the petitioner that the impugned notification is *non est* in the eyes of law, as respondent No. 9 is not enlisted as AAY Class contractor and is only in possession of a contractor

registration certificate issued by the State of Madhya Pradesh, which does not specify the category of the said respondent. It is contended that declaring respondent No. 9 as qualified, is contrary to the terms and conditions of the tender documents, therefore, the decision taken by the Technical Evaluation Committee to qualify respondent No. 9 is illegal and is liable to be set aside.

03. On the contrary, learned counsel for respondent Nos. 2 to 7 has drawn the attention of the Court to the communication dated 05.03.2025 issued by the Executive Engineer, J&K Sports Council Construction Division, Jammu, whereby a clarification was sought from the Chief Engineer, PWD, Bhopal regarding the registration card issued in favour of the contractor. A request was made to clarify the value of contracts for which the said registration card is valid and whether there is any restriction on the said contractor to participate in the tenders of other States using the said registration card if other states/UT accept the registration card issued by other state/central Governments.

04. Learned counsel for the respondent No. 2 to 7 has provided a copy of the clarification received from the Executive Engineer, Madhya Pradesh, a perusal whereof reveals that the Madhya Pradesh Public Works Department in Bhopal utilizes a centralized registration system for civil contractors, replacing the old A, B, C class system with a single category of all Government/semi-Government tenders.

05. In addition, it has also been clarified that respondent No. 9 i.e. ASEL ARS Sports Private Limited, though registered in Bhopal holds registration in an open category is thus eligible to compete for A Class works. The said registration issued by PWD Department is valid all across the nation.

06. Learned counsel for the respondent Nos. 2 to 7 has also placed on record copies of the aforesaid communications, which are taken on record. Additionally, reliance has been placed upon a circular dated August, 2016 issued by the Ministry of Bhopal vindicating the same stand, wherein contractors have been permitted to participate in all sort of contracts without being confined to any specific category. In light of the aforesaid documents, learned counsel for the respondents submits that the decision taken by the Technical Evaluation Committee is perfectly legal and in consonance with the terms and conditions of the tender documents.

07. It is further submitted by Mrs. Anshuja Tak that the plea raised by the petitioner is ill-founded and not tenable in the eyes of law. Accordingly, it has been prayed that the writ petition, being devoid of any merit, deserves dismissal, as no legal, fundamental or statutory right of the petitioner has been infringed. It is also contended that the scope of interference in tender matters is minimal in view of the law laid down by the Apex Court. Since the petitioner has failed to establish any locus or infringement of any of his legal, fundamental or statutory right or the terms and conditions of the tender documents, the writ petition is not maintainable and deserves dismissal at the very threshold.

08. Heard learned counsel for the petitioner as well as learned counsel for respondent Nos. 2 to 7 at length and perused the record.

09. Prima facie, this Court finds merit in the submissions advanced by learned counsel for the respondents that, in light of the clarification issued by Executive Engineer, Madhya Pradesh, the registration of respondent No. 9 falls in the Open Category and is thus eligible for A Class works, and the registration so issued is valid all across the nation.

10. Thus, in view of the aforesaid clarification, respondent No. 9 has an equal right to participate in the tendering process and, accordingly, the Technical Evaluation Committee has rightly declared respondent No. 9 as L1. The petitioner, as per the respondents, is L2, therefore, cannot, by any stretch of imagination, obstruct the participation of respondent No. 9, who is otherwise eligible in terms of the tender conditions and the clarification issued by the competent authority.

11. After arguing for a while, learned counsel for the petitioner, when confronted with the maintainability of the instant petition, submits that he would feel satisfied if a direction is issued to the respondents to decide the representation so filed against the ineligibility of respondent No. 9 expeditiously to which learned counsel for the respondents is not averse, provided the same is directed to be accorded consideration strictly under rules and as per law.

12. At this stage, learned counsel for the respondents submits that as per the instructions received by her, no such objection/representation has been filed before the respondents, though the same have been placed on record by the petitioner along with the instant petition as Annexure-VI, but the petitioner to the contrary submits otherwise.

13. Without joining issue on the aforesaid subject, since an innocuous prayer has been made, this Court in the peculiar facts and circumstances of the case, deems it appropriate to direct respondent No. 3 to accord due consideration to the representation alleged to have been filed by the petitioner and placed on record as Annexure-VI within a period of one week from today, strictly under rules and as per law. The dismissal of the instant writ petition

shall not come in the way of the respondents to decide the said representation strictly in consonance with law.

14. The writ petition is, accordingly, ***disposed of*** along with all connected application(s) in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
30.03.2026
Mihul

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

