Sr. No. 163

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No.927/2026

M/S Mohd. Sharief …..Petitioner(s)

Through: Mr. N. D. Qazi, Advocate

Vs

Union Territory of J&K and others ….. Respondent(s)

Through: Mr. Ravinder Gupta, AAG

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
10.04.2026

1. Mr. Ravinder Gupta, learned Dy. AG appears and accepts notice in the matter for the respondents.

2. Heard the learned counsel for the applicant/petitioner in respect of the matter.

3. The case of the petitioner, in nutshell, is that the department of the respondents issued e-NIT No.56 of 2025-26 dated 10.02.2026, inviting online tenders for execution of various works including item No.9 namely, Construction of Elementary Building Less Schools (Primary) at Primary School Kote Mallie Division Mahore under PAB 2025-26; that he being fully eligible and competent, participated in the said tender process and submitted his bid strictly in accordance with the terms and conditions prescribed in the e-NIT; that upon opening and evaluation of the bids submitted in the tender process, he was found to be the only responsive bidder and consequently declared as L-1 (Lowest Bidder) for the aforesaid work; that on account of being declared L-1 and the sole responsive bidder, he became entitled for issuance of the allotment

order/Letter of Acceptance (LoA) for execution of the said work; that despite his being declared the L-1 bidder, the respondents have failed and neglected to finalize the tender process and to issue the allotment order in his favour for the said work without assigning any lawful or valid reason; that he has approached the respondent authorities on several occasions requesting them to finalize the tender process and to issue the allotment order so that the work could commence in time, however, no action has been taken till date; that inaction on part of the respondents in not finalizing the tender process despite his being declared L-1, is arbitrary, unreasonable and violative of Article 14 of the Constitution of India; that the respondents cannot keep the tender process pending indefinitely after declaring him as the successful bidder unless the entire tender process is cancelled for valid reasons recorded in writing, which has not been done in the present case; that the delay and inaction on part of the respondents is not only causing grave prejudice to him, but also defeats the public purpose for which the work has been sanctioned under PAB 2025-26.

4. It is being submitted by the learned counsel for the petitioner that matter can be disposed of even at the threshold stage with the direction to the respondents to consider the writ petition of the petitioner as his representation and consider the same strictly in accordance with the law governing the field in light of the facto-legal grounds taken therein. Learned counsel for the respondents is not averse to the submissions made by the learned counsel for the petitioner.

5. In the facts and circumstances of the case and also in view of the submissions made by the learned counsel for the petitioner, this petition is

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disposed of at this stage with the direction to the respondents to consider the writ petition of the petitioner as his written representation, in light of the facto-legal grounds taken therein in accordance with the law governing the field, within a period of four weeks.

6. The petitioner shall furnish copies of this order accompanied with the copies of his petition and documents to the respondent Nos. 2 to 4 within a week's period, whereafter the later shall do the needful, as directed within a period of four weeks.

7. ***Disposed of.***

(Mohd. Yousuf Wani)
Judge

Jammu
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