

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

**Case No: WP(C) No. 2607/2026
CM No.5662/2026**

Uploaded on:02.09.2026

Bilal Ashraf Minto

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

Through: Mr. Amit Gupta, Sr. Advocate with Mr. Sumit Moza, Advocate.

Vs.

Chenab Valley Power Project Ltd. Th. Its
Managing Director, Jammu and others

.... Respondent(s)

Through: Mr. A.P.Singh, Sr. Advocate with
Mr. T.R.Wani, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
31.08.2026

ORAL:

1. The petitioner, through the medium of the present petition, seeks quashment of the Technical Summary Report issued by respondent No. 3 on 14.08.2026 with respect to Tender bearing Reference No. CVPPL/PDHEP/C&P/NIT-341/2026/2023 dated 03.04.2026 for construction of a prefab G+I building comprising a common facility area and field hostel at Circular Park for the employees of Pakal Dul Hydroelectric Project, CVPPL, Kishtwar, J&K, wherein the technical bid submitted by the petitioner has been rejected and the petitioner has been declared as "Techno Commercially Disqualified".

2. I have heard learned counsel for the parties and perused record produced by the respondents.
3. It appears that online bids were invited for and on behalf of Chenab Valley Power Projects Ltd. (CVPPL) through Notice Inviting e-Tender dated 03.04.2026 for the work of construction of a prefab G+I building comprising a common facility area and field hostel at Circular Park for employees of Pakal Dul Hydroelectric Project, CVPPL, Kishtwar, J&K. The bids were to be submitted online up to 24.04.2026. The petitioner as well as respondent No. 4 responded to the tender notice by submitting their bids.
4. After submission of the technical bid by the petitioner, clarification was sought from him through communication dated 24.06.2026 issued by respondent No. 3. One of the clarifications sought was with regard to the balance sheet and profit and loss account for the financial years 2024-25 and 2025-26. It has been submitted that the petitioner submitted all the clarifications to respondent No. 3 vide email dated 25.06.2026. Another clarification was sought by respondent No. 3 vide communication dated 30.06.2026 from the petitioner. This time also, the petitioner was asked to furnish the audited balance sheet and profit and loss account for the financial year 2025–26. Vide communication dated 02.07.2026, the petitioner complied with each and every requirement. Another clarification was also sought from the petitioner by respondent No. 3 vide communication dated 14.07.2026, which was responded to through an application dated 17.07.2026. On 14.08.2026, the impugned Technical Evaluation Summary Report

came to be issued by respondent No. 3, whereby the petitioner was shown to be “Techno Commercially Disqualified”.

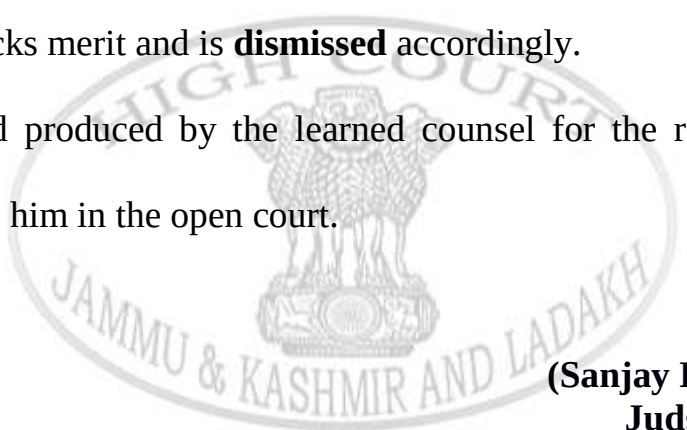
5. According to the petitioner, the impugned Technical Evaluation Summary Report is arbitrary and without assigning any reason. It has been submitted that the financial bid submitted by respondent No. 4 is Rs. 87,00,000/- higher than the financial bid submitted by the petitioner. It has been submitted that the respondents were under an obligation to take into account the annual turnover for the financial year 2025-26 as well, but the respondents have not taken into account the turnover for the said financial year while issuing the impugned Technical Evaluation Summary Report.
6. The record was sought by this Court from the official respondents in order to ascertain the reasons for rejection of the technical bid of the petitioner. It appears from the perusal of the record that the respondents, have vide communication dated 18.08.2026, conveyed the reasons for rejection of the technical bid of the petitioner. As per the said communication, the respondents, while evaluating the financial criteria of the bidders, have taken into account the gross turnover for the financial years 2022-23, 2023-24 and 2024-25 of all the bidders. While considering the said criteria, the average annual turnover of the petitioner comes to Rs. 1,28,39,779/-, which is less than the threshold limit of Rs. 1,32,62,269/- as specified in Clause 3.2 A (a) of Section-I of the NIT. On this ground, the petitioner has been found to be technically disqualified.
7. The ground urged by the learned Senior Counsel for the petitioner for challenging the impugned action of the respondents is that the

respondents have repeatedly, vide their clarification letters dated 24.06.2026 and 30.06.2026, sought the balance sheet and profit and loss account for the financial years 2024-25 and 2025-26; therefore, it is not open to the said respondents to ignore the turnover of the petitioner for the financial year 2025–26 while evaluating his financial capacity in terms of Clause 3.2 A(a) of Section-I of the NIT.

8. It is true that the petitioner has been asked to furnish the balance sheet and profit and loss account for the financial year 2025-26 as well, but as per the covenants of Clause 3.2 A (a) of Section-1 of the NIT, the bidder is required to demonstrate an average annual financial turnover during the last financial year ending 31st March of the previous financial year, meaning thereby, that in respect of the tender notice where the bids were to be submitted on 24.04.2026, the average annual financial turnover has to be calculated on the basis of the financial turnover during the last three financial years ending on 31st March 2025.
9. The respondents may have sought documents with regard to the financial year 2025-26 from the petitioner, but they could not have taken the said documents into consideration while evaluating the average turnover of any bidder, particularly when it was not possible for the bidder to produce such documents at the time of submission of the bids, because by date of closure of the bids, the annual financial returns for the financial year 2025-26 would not have been ready with any of the bidders.
10. It has to be noted that, as per Clause 6.3.5, only documents that were already in existence prior to the submission of the bid are to be

considered pursuant to the clarifications sought from the bidder. In the instant case, the documents relating to the annual turnover of the petitioner for the financial year 2025-26 were generated only on 10.07.2026, as is evident from the record produced by the respondents. Thus, the said documents came into existence subsequent to the submission of the bid by the petitioner. Consequently, such documents could not have been taken into consideration by the respondents by way of clarification, as they did not form part of the documents available with the petitioner as on the date of submission of the bid. Thus, the respondents have rightly ignored the financial statement of the petitioner relating to the financial year 2025-26.

- 11. For what has been discussed hereinbefore, I do not find any illegality or arbitrariness in the impugned action of the respondents. The writ petition lacks merit and is **dismissed** accordingly.
- 12. The record produced by the learned counsel for the respondents is returned to him in the open court.



(Sanjay Dhar)
Judge

Jammu
31.08.2026
Madan Verma-Secy

Whether order is speaking?	Yes
Whether order is reportable?	No.