

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

**WP(C) No. 2717/2026**

M/s Breng Valley Traders

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

Through: Mr. Amit Sharma, Adv.  
Mr. Tushaar Madaan, Adv.

**vs**

U. T. of J&K and others

..... Respondent(s)

Through: Mr. Raman Sharma, AAG with  
Ms. Saliqa Sheikh, Adv.

**Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER**  
**07.09.2026**

1. The petitioner, through the medium of this petition, has challenged Clause (9) of Section-4 of Pre Qualification Criteria of the Request For Proposal(RFP) and Corrigendum dated 14.08.2026 in respect of Bid No. GEM/2026/B/7728777. Challenge has also been thrown to 100-Mark Technical Evaluation Criteria/Marking Matrix and the minimum 50-Mark Qualifying Threshold prescribed under Section 4 and Section 5 of the RFP.
2. Heard and considered.
3. Respondent No. 2 published a notice inviting tender/Request for Proposal(RFP) on the GeM Portal vide Bid No. GEM/2026/B/7728777 dated 01.07.2026 for the supply of kitchen utensils for the schools in the Union Territory of J&K under the PM POSHAN Scheme. It has been submitted that respondent Nos. 1 and 2 have formulated the

RFP/Additional Terms and Conditions (ATC), whereby the impugned Clause (9) of Section-4(4.1-Pre Qualification Criteria) of the RFP has been incorporated in the Technical Evaluation Criteria. Besides this, in the RFP Technical Evaluation Criteria, the respondents have introduced a separate 100-Marks Technical Evaluation Matrix, requiring bidders to secure a minimum of 50 marks before their financial bids could be considered.

4. According to the petitioner, aforesaid impugned conditions are directly contrary to Clause (7) of the GeM Bid Disclaimer, which expressly prohibits seeking samples with the bid or approval of samples during the bid evaluation process, except in specified categories or trials. It has been submitted that the petitioner has raised timely objections through GeM Seller Representation Window, challenging the sample requirement and the 100-marks technical matrix and the minimum 50-marks qualifying threshold.
5. The petitioner has placed on record a copy of communication dated 01.03.2024 issued by the Ministry of Commerce and Industries, Government of India, wherein it has been made mandatory upon the buyer to reply all representations made by any seller with regard to the additional clauses or otherwise on any aspect of the bid. It has been clarified that the buyer would not be allowed to open bids if he/she fails to reply to such representations. In the present case, contention of the petitioner is that despite making representation, the respondents have not responded to the said representation.

6. In view of the above, the present writ petition is disposed of with a direction to the respondents to consider the objections raised by the petitioner as indicated hereinbefore by way of a representation stated to have been filed by it, whereafter the respondents shall furnish response to the petitioner before opening the bids.
7. Disposed of accordingly.
8. A copy of this order shall be provided to the respondents by the petitioner within a week's time.

**Jammu**  
07.09.2026  
Rakesh PS

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

**(SANJAY DHAR)**  
**JUDGE**

