

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

WP(C) No. 2789/2026

Surinder Singh Manhas

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

Through: Mr. Jagpaul Singh, 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 present petition, has challenged the financial bids/financial evaluation dated 31.08.2026 insofar as the same relates to exclusion/non-consideration of his bid pursuant to e-NIT No. 255-REWJ of 2026-2027. A further direction commanding upon respondent Nos. 1 to 4 to consider the bid of the petitioner, has also been sought.
2. Heard learned counsel for the parties and perused the record.
3. It appears that respondent No. 2 had floated e-NIT No. 255-REWJ of 2026-2027 dated 24.07.2026 inviting online percentage-rate bids for various civil development works under the District Capex Budget PRI(Panchayat Level) for the financial year 2026-2027 in Block Marh, District Jammu.

4. The petitioner responded to said e-NIT and submitted his bid through online e-procurement system within the prescribed time. According to the petitioner, he had quoted lowest competitive rates and he was expecting that his bid would be evaluated along with the bids of the other eligible participating contractors. However, the respondents excluded the petitioner from the financial bid without notifying to the petitioner with regard to the reasons for his exclusion.
5. It has been submitted that the petitioner has come to know that his bid was not considered on the ground that he had not written the serial number or the exact name of the work clearly on the front side of the uploaded Call Deposit Receipt(CDR). It has been contended by the petitioner that the condition with regard to the writing of serial number or the exact name of the work on the front side of the uploaded CDR was not a essential condition of the tender, as such, it was not open to the respondents to exclude the financial bid of the petitioner.
6. It has also been contended that even otherwise the petitioner had specifically mentioned the name of the work along with complete details on the treasury challan, as such, the respondents could have easily gathered the particulars of the works with regard to which the petitioner had submitted his bid. Thus, according to the petitioner, the impugned action of the respondents is arbitrary in nature.
7. In the above context, Clauses 6 and 7 of the Conditions of the tender, are relevant. The same are reproduced as under:

“6. Tender Fee/Cost of Tender Document Frame work The cost of the tender document must be recovered strictly in accordance with GFR 2017 and applicable J&K Financial Rules.

- **Non-Refundability:** The tender fee is strictly non-refundable.

- **Payment Mode:** The bidder shall deposit the tender fee in the shape of a treasury challan, securely credited to Major Head 0515 (Revenue).

- **Challan Specificity:** Thee-challan must explicitly mention the name of the work, the precise e-NIT number, and the ID/Serial Number of the work, favoring the Executive Engineer REW Division Jammu.

- **Reuse of Treasury Challan only:** In case of retender, the previously uploaded treasury challan can be reused for the same work. The new eNIt No and serial number of the work must be mentioned clearly without erasing or overwriting the existing details.

7. Earnest Money Deposit (EMD) / Bid Security Details To ensure serious participation, bids must be accompanied by an Earnest Money Deposit(EMD) mathematically equivalent to exactly 2% of the advertised cost of the tender.

- **Format:** The EMD must be strictly in the shape of a Call Deposit Receipt (CDR) or Fixed Deposit Receipt (FDR) originating from a recognized scheduled commercial bank and in case on online CDR the same shall be notified in the e-NIT/circular.

- **Labeling Requirement:** It is a strict mandatory requirement that the bidder writes the e-NIT Number, Serial Number or the exact Name of the Work clearly on the front side of the uploaded CDR/FDR.

- In case of retender, the previously uploaded EMD can be reused for the same work. The new e-NIT No and serial number of the work must be mentioned clearly without erasing or overwriting the existing details.”

8. From a perusal of the contents of Clause 6, it is clear that a bid has to be accompanied by a tender fee in the shape of a treasury challan securely credited to Major Head 0515(Revenue). It further provides that the challan must explicitly mention the name of the work, the precise e-NIT number, and the ID/Serial Number of the work, favoring the Executive Engineer REW Division, Jammu. In the present case, the petitioner has complied with the said condition by tendering the fee by way of a treasury challan in which all the aforesaid particulars are clearly depicted.

9. Clause 7 of the conditions makes it mandatory for the bidder to write the e-NIT Number, Serial Number or the exact name of the work clearly on the front side of the unloaded CDR/FDR. The petitioner has placed on record a copy of the CDR. A perusal of the same would reveal that only the e-NIT number is mentioned in the said CDR. Serial number or the exact name of the work is admittedly not mentioned in the CDR.
10. The question that arises for determination is whether mentioning of serial number or the exact name of the work on the front side of the CDR was a mandatory condition of the tender.
11. In Clause 6 of the Condition, it has been emphasized that the said condition is a strict mandatory requirement. It is not for this Court to interpret the said condition in a manner as may be deemed reasonable by this Court. Interpretation of a tender condition in a particular manner is not a subject matter of judicial review. The Courts cannot interfere with the tender conditions prescribed by the employer just because it feels that the said terms of the tender would have been more fair, logical or wiser. The terms of a tender document are not open to the judicial scrutiny unless it is found that the same have been tailor made to the benefit of any particular tenderer or class of tenderers.
12. It is for the employer to relax any tender condition or to treat a condition as an ancillary as against a mandatory condition. The Court cannot substitute its own opinion for the opinion of the employer. Once it is clearly written in the tender conditions that writing of serial number or the exact name of the work on the front side of the uploaded CDR is

strictly mandatory requirement, this Court cannot substitute its own view by relaxing the said condition merely because the petitioner has been undone by the said condition.

13. For what has been discussed hereinbefore, I do not find any merit in this petition. Accordingly, the same is dismissed.

(SANJAY DHAR)
JUDGE

Jammu
07.09.2026
Rakesh PS

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

