

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**CWP No. 11370 of 2026
Decided on : 10.07.2026**

M/s Yudhbir Singh Rajput and Sons

...Petitioner

Versus

The State of Himachal Pradesh and others

...Respondents

Coram

**The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.**

Whether approved for reporting?¹

For the petitioner : Mr. Sumeet Raj Sharma, Advocate.

For the respondents : Mr. Pranay Pratap Singh, Additional
Advocate General, for respondents
No.1 to 3.

G.S. Sandhawalia, Chief Justice (Oral)

The acceptance of Technical Bid of respondent No.4 vide Annexure P-4, is the subject matter of consideration at the hands of the petitioner, who having contested on the technical side and having lost out in the Financial Bid, *inter se*, the private respondent, is now before this Court. Resultantly, quashing is sought of the Financial Bid of the said respondent, whereby it was declared L-1 and direction is sought that the Technical Bid of the said respondent be quashed and the present petitioner be declared responsive qua the Technical Bid.

2. The sole argument of the counsel for the petitioner is

¹ Whether reporters of the local papers may be allowed to see the judgment?

that certain objections were raised as such, regarding the non-furnishing of the documents in question as per the terms of Standard Bidding Document and the decision taken as such, is not justified as the necessary signature of the concerned official was not there on the required documents presented by the respondents.

3. It is not disputed that for the work in question, which is for Package HP06-180 pertaining to Dohranallah to Shillidhar Chesta Road L0/30, where the project length is 12.425 kms, the petitioner had applied alongwith the private respondent and the private respondent was found responsive regarding the tender in question.

4. On 24.06.2026, the Evaluation Committee submitted its recommendations for uploading the results of the evaluation of Part 1 of the bids on the website. The petitioner had submitted his objections against the technical evaluation report and requested for re-evaluation vide letter dated 30.06.2021 (Annexure P-7), while referring to Clause 4.7(ii) of Instructions to Bidders (ITB) and Clause 1.3.3 of Section 3 of the Standard Bidding Document. Since the scheduled opening date for the Financial Bid was 03.07.2026, apparently, the said objections were duly considered on 02.07.2026 by the concerned Committee headed by the Superintending Engineer and the objections as such, were duly

dealt with as under:-

2.	Non-compliance of Clause 1.3.3 of Section 3 (Qualification Information) Clause 1.3.3 of the Standard Bidding Document requires the bidder to furnish details of existing commitments and ongoing works and Specifically stipulates. "Enclose certificate(s) from Engineer(s)-in-Charge for value of work remaining to be Completed." However, the documents titled "Existing commitments and Ongoing works" uploaded by M/s Ashadeep Construction Pvt. Ltd. is only a self-certified statement signed by the Authorized Signatory. The mandatory certificates from the Engineer-in-Charge regarding the value of work remaining to be completed do not appear to have been enclosed.	In the Section 3 (Qualification Information) Proforma at Sr. no. 1.3.3, it is mentioned to enclose certificate(s) from Engineer(s)-in-charge for value of work remaining to be completed. In response to this the bidder M/s Ashadeep Construction Pvt. Ltd. has submitted the detail in the proforma and the award letter issued by the Executive Engineer i.e. Engineer-in-Charge. As the work was awarded recently i.e. on 17.02.2026 the whole value of contract is taken as value of work to be completed. Thus, the bidder has submitted the documents in compliance to the (Qualification Section Information) Proforma at Sr. no.1.3.3.
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5. The petitioner thereafter again gave a representation on 03.07.2026 (Annexure P-9) being not satisfied to the said rejection of his objections and eventually the bid as such, was postponed to 04.07.2026 and the private respondent was found as L-1 having bid to the tune of Rs.9,93,89,997.79/-, which was below 20.21%, whereas, the present petitioner had bid to the tune of Rs.11,46,11,777.13/-, which was below 07.99%. It is in such circumstances, that the petitioner is now before this Court.

6. We are of the considered opinion that the respondents had followed the due process as such and had

taken into consideration the objections raised and validly dealt with the same, while noting that the details as such, were available as per the Award letter issued by the Engineer-in-Chief. Once that was so, the argument raised by counsel for the petitioner that necessary certificate was not there, is not of much substance. The substance was only to verify the existing commitments and the ongoing works, keeping in view the capacity of the bidding contractor.

7. In such circumstances, it is not for the Writ Court as such, to substitute the view of the official respondents, once the Committee had duly considered the objections and given valid reasons against each and every objection(s). It is also pertinent to notice that apart from the said objections, there were two other points raised, which were not pressed in the present writ petition.

8. Merely, because the tender was also advertised on an earlier occasion and the petitioner had been found non-suited initially in the Technical Bid on the same ground, could not be the ground to hold that the Committee is taking a different view, which had noticed that the Award letter had been issued by the concerned Officer, which was sufficient to satisfy the respondents.

9. It is the settled principle that the judicial review of such dispute is only to be exercised for the purpose in the

manner in which the decision is taken and not whether the decision is correct or not. Resultantly, keeping in view the limited consideration to be done under writ jurisdiction of this Court and the fact that we are not sitting as an Appellate Court, we do not feel it appropriate to further go into the matter.

10. Accordingly, the present writ petition is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 10, 2026
(*Shivank Thakur*)