



2026:UHC:3298-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
30TH APRIL, 2026
WRIT PETITION (M/B) NO. 223 OF 2025

M/s Lakshay Constructions Petitioner.

Versus

State of Uttarakhand & others Respondents.

Counsel for the Petitioner : Mr. Rajendra Singh Azad, learned counsel through *video conferencing*.

Counsel for Respondent No.1 : Mr. Yogesh Chandra Tiwari, learned Standing Counsel.

Counsel for Respondent Nos.2 to 4 : Mr. S.S. Chauhan, learned counsel.

JUDGMENT : (per Mr. Manoj Kumar Gupta, C.J.)

1. The petitioner- firm, feeling aggrieved by order dated 01.05.2025, passed by respondent- Department cancelling the tender process आईएमहो 2025_MDPEY_81464_1, has filed the present writ petition.

2. The reason given for cancelling the tender process is that the bid of the petitioner- firm, though L1, is still on a much higher side than the bids received in respect of the same work in the previous round of the tender process. Thus, the respondent- Department has decided to invite fresh bids.

3. The case of the petitioner- firm is that after its has made the bid, the Department *vide* letter dated 23.04.2025 required the petitioner to lower its bid and in



response to the same, the petitioner-firm further reduced its bid amount by 1%, but still the respondents have cancelled the bidding process, which is illegal. It is urged that the petitioner-firm should be given further opportunity to lower its bid.

4. The respondent- Department has filed counter-affidavit and the stand taken is that in the past also, tenders were invited in respect of the same work. In the said tender process one M/s Naseem Ahmad was L1 and its bid was for Rs.87,19,638.20/-, i.e. 21.77% below the departmental rates. The petitioner- firm was L2 bidder and its bid was for Rs.93,77,022.89/-, i.e. 15.52% below the departmental rates, however, on its complaint, the bid of M/s Naseem Ahmad, L1 bidder was cancelled. Thereafter, in the present tender process, though the bid of the petitioner-firm is L1, but the amount quoted by it is Rs.1,10,03,373.98/-, i.e. only 0.87% below the rates quoted by the Department and even after reduction by 1%, it is much above the bid quoted by the petitioner-firm in the previous tender process.

5. The Tender Committee of the respondent- Department, after considering all the relevant aspects and in the interest of revenue, decided to cancel the tender process and invite fresh tenders. The bid given by the



2026:UHC:3298-DB

petitioner-firm was merely an offer made by it. The Department, keeping in view its financial interest, has decided to go for fresh tenders. Undisputedly, the bid for the same work made by the petitioner- firm in the previous tender process was much lower. In such circumstances, it cannot be said that the decision of the Tender Committee suffers from any manifest illegality to warrant interference under Article 226 of the Constitution of India.

6. Consequently, the writ petition is dismissed.

7. Pending application, if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dated: 30th April, 2026

NISHANT

NISHANT
KUMAR