



2026:UHC:4333-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

1st June, 2026

Writ Petition (M/B) No. 336 of 2026

MS Arun Construction

-----Petitioner

Versus

State of Uttarakhand and others

-----Respondents

Presence:-

Mr. Sagar Kothari, learned counsel for the petitioner.

Mr. J.C.Pande, learned Standing Counsel for the State of Uttarakhand.

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

1. The petitioner has assailed the order dated 28.04.2026, by which, the Department has cancelled the bidding process initiated on basis of e-Tender Notice No. 04/SE/2025-26 dated 27.02.2026 for execution of the work relating to Hon'ble Chief Minister Announcement No. 143/2022, pertaining to construction of flood protection works in Champawat Assembly Constituency, including flood protection work on the right bank of the Sharda River from Boom, Tanakpur, Flood Protection works on the right bank of the Sharda River at Boom and Uchauligoth (part-3), construction of flood protection works for protection of



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Hasani Goth, Sunwagoth and Gendakhali No. 3 situated on the right bank (Part-4), and construction of flood protection works for protection of 28 hectares area and Chiliyadhol located on the right bank (part-5).

2. On basis of report from the concerned authority that the bid of the petitioner, which was L-1 does not satisfy the stipulated eligibility criteria under the tender provisions, the bid of the petitioner had been cancelled. The bid of next 2 bidders was found to be significantly higher than the estimated cost and was not considered financially viable. In the said circumstances, the department, in order to ensure fairness, transparency and official prudence, has cancelled the entire bidding process and decided to go for fresh tenders.

3. On 14.05.2026, the following order was passed:

- “1. Mr. Sagar Kothari, learned counsel for the petitioner.
2. Mr. Puran Singh Bisht, learned Chief Standing Counsel along with Mr. J.C. Pande, learned Standing Counsel for the State of Uttarakhand.
3. The case of the petitioner is that he was the L1 bidder but subsequently on the basis of some complaint made by respondent no.7, the respondents examined the experience certificate and on that basis without any



opportunity of hearing to the petitioner cancelled the contract.

4. After cancelling the contract, the respondents have taken decision to issue fresh advertisement to ensure fairness, transparency and financial prudence.

5. The last date for submitting the bids in pursuance of fresh advertisement is 19.05.2026 and the same is to be opened on 20.05.2026.

6. We permit the respondents to go ahead with the fresh tender process and direct the respondents to place the outcome of the financial bids before us on the next date of listing.

7. It is further provided that no work order would be issued to any person in pursuance of fresh advertisement without leave of the Court.

8. List as fresh on 01.06.2026.”

4. Learned State counsel has placed on record the instructions received from the Superintending Engineer, Irrigation Works Circle, Pithoragarh *vide* communication dated 30.05.2026. According to it, the date fixed for opening of financial bid is 03.06.2026. Learned State counsel states that in the technical round, the bid of the petitioner was also found to be technically responsive.

5. As in the present round of tender process, the bid of the petitioner is found to be responsive, therefore, we are of the considered opinion that no purpose is going to be served in examining the validity



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of the action of the respondent-department in cancelling the earlier bidding process.

6. The writ petition is disposed of by providing that the Department shall proceed with the opening of the financial bid on basis of the fresh bidding process and, thereafter take appropriate decision, in accordance with law.

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

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 01.06.2026
Kaushal