



2026:UHC:3379-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

5TH MAY, 2026

WRIT PETITION (M/ B) No. 345 OF 2026

M/s Jai Durga Construction Petitioner.

Versus

State of Uttarakhand and others. ..Respondents

Counsel for the petitioner : Sri Bhupesh Kandpal, learned counsel.

Counsel for the respondents : Sri Yogesh Chandra Tiwari, learned
Standing Counsel for the State of
Uttarakhand.

JUDGMENT : (Per: Sri Manoj Kumar Gupta, C.J.)

1. The present writ petition has been filed calling in question the decision of the respondent-Department in declaring respondent No. 4 as L-1 bidder in respect of tender No. GEM/2026/B7197688 dated 05.02.2026 and for further direction to the respondent Authority to decide the representations made by the petitioner firm dated 28.04.2026 and 29.04.2026 before issuing any work order in favour of respondent No. 4.

2. The respondent-Department invited bids on GEM portal for supply of Mate and Baildar through outsourcing for maintenance of certain roads of the Public Works Department. In response, as many as 279 bids were submitted. The technical bids were opened on 23.04.2026. As per the stipulation in respect of bidding process, objections to the bids were to be filed by 25.04.2026. In all, 73 objections were submitted and the same were disposed of by the Department. The petitioner firm is stated to have filed objections with the Department through e-mail on



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28.04.2026 followed by other representation, wherein it raised objections to the declaration of bid of respondent No. 4 as responsive on the ground that the said firm does not possess the prescribed experience. Since the objection has not been considered so far, therefore, the present writ petition has been filed.

3. Learned counsel for the petitioner has placed reliance on Government Order dated 03.07.2021, according to which, the experience should be in relation to five similar works for supply of manpower in any department of the government. The case of the petitioner is that respondent No. 4 has experience of certain sewerage work with the government and the said experience could not have been considered as the work experience prescribed for the tender in question.

4. Learned Standing Counsel for the State of Uttarakhand has received written instructions from the Executive Engineer, Construction Division, PWD Chinyalisaur and the same have been placed on record. According to it, the entire tender process was through GEM portal and the last date for submitting the objections was 25.04.2026. As many as 73 objections were received from different bidders on GEM portal. After disposing of all the objections, only two bids, one submitted by the petitioner firm and the other submitted by respondent No. 4, were found responsive. Thereafter, in the financial round, the bid of respondent No. 4 has been found to be lowest and that of the petitioner firm as the



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second lowest. It is stated that the entire process was wholly transparent and the objection, raised by the petitioner firm by e-mail and not through the procedure prescribed does not deserve any consideration.

5. We have considered the rival submissions and perused the records.

6. Indisputably, the entire bidding process was through GEM portal and the last date for submitting the objections, that too on GEM portal only, was upto 25.04.2026. Admittedly, the petitioner firm did not file any objection by the said date. The petitioner was aware of the term and condition of the tender process. The petitioner, admittedly, did not file any objection within the time prescribed, nor by the mode, as prescribed. In such circumstances, the Department rightly did not take into consideration the objections sent belatedly through e-mail.

7. Moreover, the bid of respondent No. 4 is, admittedly, the lowest. If we interfere at this stage overlooking the procedure prescribed, it will derail the entire process, and therefore, the writ petition is dismissed.

8. Pending application, if any, also stands dismissed accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 5th May, 2026
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