



2026:UHC:4497-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

**WRIT PETITION (M/B) NO. 468 OF 2026**

**5<sup>TH</sup> JUNE, 2026**

Naveen Agarwal ..... Petitioner

Versus

State of Uttarakhand & another ..... Respondents

Counsel for the petitioner : Mr. Shobhit Saharia and Mr. Bhuwan Bhatt, learned counsel

Counsel for the respondents : Mr. J.C. Pande, learned Standing Counsel for the State

: Mr. D.S. Patni, learned Senior Counsel assisted by Mr. Bhupendra Bisht, learned counsel for respondent No. 2

**The Court made the following:**

**JUDGMENT:**

1) The present writ petition has been filed praying for the following relief :

“Issue a writ, order or direction in the nature of certiorari quashing the Clause / Condition No. 9 of the Notice Inviting Tender dated 01.06.2026 and that Condition No. 9 may be read down as, in the case of a partnership firm also, the solvency certificate of the partnership firm itself



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is required to be uploaded so as to establish the financial solvency of the entity participating in the bidding process. (In Ref: Annxe: 1; Pg. 13 to 21).”

2) Condition No. 9 of the E-tender bidding document is as follows :

“रु0 3,00,00,000/— (रु0 तीन करोड मात्र) का हैसियत प्रमाण-पत्र जो कि जिलाधिकारी/सक्षम प्राधिकारी द्वारा प्रदत्त किया गया हो को आनलाइन अपलोड करना अनिवार्य होगा। कम्पनी की स्थिति में कम्पनी का ही हैसियत प्रमाण-पत्र मान्य होगा।

(एकल स्वामित्व के रुप में स्वामी का हैसियत प्रमाण-पत्र मान्य होगा। साझेदारी फर्म की स्थिति में फर्म के समस्त साझेदारों का हैसियत प्रमाण-पत्र प्रस्तुत किया जाना अनिवार्य है तथा उक्त साझेदारी फर्म के सभी साझेदारों (partners) द्वारा इस आशय का सयुक्तरुप से शपथपत्र भी अपलोड करना अनिवार्य होगा की निविदा अवधि के दौरान उक्त साझेदारी फर्म के सभी साझेदार निविदा शर्तों के किसी भी प्रकार के उल्लंघन या चूक की स्थिति में सयुक्त और व्यक्तिगत रुप से उत्तरदायी/जिम्मेदार होंगे)।”

3) Learned counsel for the petitioner very fairly concedes that he cannot compel the respondents to prescribe any condition regarding eligibility as has been suggested in the present writ petition. He, however, submits that there is likelihood of the respondents declaring the bid of the petitioner, if applied through the firm, as non-responsive, in case the insolvency certificate of the partnership firm is not filed. The said apprehension is based on the interpretation given by the department in the previous round of the bidding process. Thus the submission is that the respondents should clarify as to whether they actually require insolvency certificate of the



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firm also in case bid is submitted in the name of partnership firm.

4) Mr. D.S. Patni, learned Senior Counsel appearing for Nagar Palika Parishad states that today is the meeting for Pre-bid Clarification and in the said meeting Nagar Palika Parishad would clarify every aspect. He also makes statement that under the Clause in question only insolvency of the partners of the firm would be required and not that of the partnership firm as a separate entity.

5) Mr. Shobhit Saharia, learned counsel for the petitioner very fairly states that the clarification aforesaid made by learned counsel for the Nagar Palika Parishad is sufficient to dispel the apprehension.

6) Accordingly, the writ petition stands disposed of.

7) Pending application(s), if any, also stand disposed of.

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**MANOJ KUMAR GUPTA, C.J.**

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**SUBHASH UPADHYAY, J.**

Dt: 5<sup>TH</sup> JUNE, 2026  
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