



**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

**HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA**

**AND**

**HON'BLE SRI JUSTICE SUBHASH UPADHYAY**

**28<sup>th</sup> July, 2026**

**WRIT PETITION (M/B) NO. 596 OF 2026**

Design Tech Structural Consultant

...Petitioner

Versus

Public Works Department and another.

...Respondents

Counsel for the petitioner : Sri Sandeep Kothari, learned counsel.

Counsel for the respondents : Sri J.C. Pande, learned Standing  
Counsel for the State of Uttarakhand.

**JUDGMENT : (PER: SRI MANOJ KUMAR GUPTA, C.J.)**

1. The present writ petition has been filed assailing the order dated 17.07.2026 passed by the Executive Engineer, Construction Division, PWD, Purola, District-Uttarkashi (respondent No. 2) cancelling the Tender Notice dated 19.06.2026 on basis of the decision taken by the Tender Evaluation Committee. The order states that as per Condition No. 1 of the Tender Notice, the original copy of demand draft towards payment of RPF Document Fees and EMD were required to be filed physically up to 10.07.2026, but the same had not been filed by two bidders, except the petitioner. Since, there remained only one bid, therefore, the Tender Evaluation Committee has decided to cancel the tender process.



2. Learned counsel for the petitioner submits that the tender process in question was held for the second time and, therefore, as per Procurement Rules, the same could not have been cancelled solely on the ground that only one bid was found to be responsive. Reliance has been placed on Rule 2.2.14.2, which is as follows:

“2.2.14.2 यदि पुनः एक निविदा प्राप्त होती है तो उस पर निम्न प्रतिबंधों के अधीन विचार किया जा सकता है:-

- i. निविदा का पर्याप्त प्रचार-प्रसार किया गया हो तथा निविदा प्रस्ताव देने हेतु पर्याप्त समय उपलब्ध कराया गया हो।
- ii. निविदा की शर्तें / विशिष्टियाँ अनावश्यक रूप से प्रतिबंधात्मक (restrictive) न रही हो।
- iii. अधिप्राप्तिकर्ता इकाई द्वारा प्राप्त दरें बाजार भाव की तुलना में उचित हों।”

3. A perusal of the aforesaid rule reveals that it nowhere mandates that where only one bid is found to be responsive in the second attempt, the same has to be accepted in every case. It only gives discretion to the Authorities to accept a single bid, in certain circumstances. The discretion of the Authorities not to proceed with only one bid even in the second round is not taken away.

4. As such, we find no illegality in the decision of the Technical Evaluation Committee in declining to proceed on basis of single bid and holding a fresh exercise for tender. The decision as to whether to go ahead with the single bid or not has to be left to the discretion of the Authorities, who were aware of all the factors and have to take care of the commercial interest of the Department.

5. The writ petition lacks merit and is, accordingly, dismissed.



6. All pending applications stand disposed of accordingly.

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

**SUBHASH UPADHYAY, J.**

Dt: 28<sup>th</sup> July, 2026  
Rathour

PRAVINDRA  
SINGH  
RATHOUR