



HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

13th August, 2026

WRIT PETITION (M/B) NO.620 of 2026

M/s Arif Enterprises

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Abhijay Negi, learned counsel for the petitioner.

Mr. Rahul Verma, learned Additional Advocate General for the State.

Mr. S. C. Bhatt, learned counsel for the respondent no.3.

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

1. The present writ petition has been filed challenging the rejection of the petitioner's bid in the technical round on ground of non-submission of the mandatory documents as well as EMD and tender fee.

2. The petitioner is a company incorporated under the Companies Act. It is stated to have submitted its bid for a work pertaining to: collection and disposal waste management service; collection, lifting, transportation, unloading, segregation of garbage, sweeping as per RFP; dry waste. The petitioner's bid has been rejected in technical round on the grounds aforesaid.

3. The petitioner has assailed the decision of the Technical Committee rejecting its technical bid contending that the petitioner is registered as an MSME, therefore, in terms of the Public Procurement Policy notified by the State



Government dated 28.08.2019, it is exempted from payment of tender fee and Earnest Money Deposit (EMD). It is submitted that consequently, the decision of the Technical Evaluation Committee rejecting the technical bid of the petitioner is not sustainable in law. It is further submitted that the petitioner was not given any time by the Technical Evaluation Committee to remove the defects in the technical bid or to supply the missing documents, and this according to the petitioner, has also rendered illegal the decision of the Technical Committee.

4. Respondent no.3 has filed a counter affidavit, wherein the stand taken is that apart from not submitting EMD and tender fee, the petitioner had also not submitted the required mandatory documents, consequently, the bid had been rightly rejected. A copy of the tabular chart prepared by the Technical Evaluation Committee listing therein the details of the documents submitted/ not submitted by each tenderer has been annexed. It reveals that the petitioner, apart from not submitting EMD and tender fee, had also not submitted Power of Attorney, Certificate of Incorporation, PAN card, audited financial statements, CA Certificate for turnover, similar experience years certificate, completion certificate, manpower deployment format, vehicle deployment format. A perusal of annexure no.3, which is RFP, reveals that various certificates were to be submitted in prescribed format and they



were part of RFP. Annexure no.8 to the RFP is manpower deployment format, which was not submitted; annexure no.9 to RFP is vehicle deployment format, which was also not submitted; annexure no.20 to RFP is checklist of documents, which was also not submitted. Moreover, it is not disputed that submission of PAN and other documents was also essential conditions of the RFP.

5. Learned counsel for the petitioner does not dispute that the aforesaid documents were not submitted by the petitioner along with its technical bid. Consequently, even if we accept the contention that the petitioner being MSME was not required to submit tender fee and EMD, the non-filing of other mandatory documents rightly resulted in disqualification of the petitioner in the technical round. Therefore, we find no merit in the writ petition and the same is dismissed.

6. Pending application(s), if any, stand disposed of accordingly.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 13.08.2026

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