



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. 667 OF 2026

14TH AUGUST, 2026

M/s N.D. Joshi and Sons Petitioner

Versus

State of Uttarakhand & others Respondents

Counsel for the petitioner : Mr. Devesh Upreti, learned counsel
Counsel for the respondents : Mr. Ganesh Dutt Kandpal, learned
Additional Advocate General for the
State

The Court made the following:

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

1) The present writ petition has been filed assailing the decision of the Technical Evaluation Committee dated 05.08.2026, whereby the bid of the petitioner for the work: under Hon'ble Chief Minister Announcement No. 514/2025 in District Pithoragarh Assembly Constituency Gangolihat, Development Block Gangolihat, the new construction work of the motor road from Dasaithal–Khirmande to Hitari Kamad under Stage 2 of Phase II has



been rejected in the technical round holding it to be non-responsive on the ground that the experience certificate of previous works in Tech-9 does not indicate that the experience was as per required limits.

2) According to the Standard Document for Procurement of Works, the bidder should have had *inter alia*, experience of RCC M25 works, measuring 33.20 cubic meters in any one of the last five financial years which, according to the respondents, was not fulfilled by the petitioner.

3) Upon rejection of the petitioner's bid in the technical round, the petitioner filed a detailed representation (Annexure-5) disclosing therein the exact quantities of work experience in relation to each item and took the stand that in the experience certificate submitted by the petitioner there is only difference in the name of the work whereas the nature of the work was the same. It was also his specific case that the nature of the work is mentioned in the Schedule of Rates (SOR) while in the tender document name of each item is mention in short form and that differs from tender to tender.

4) Learned Additional Advocate General, Mr. Ganesh Dutt Kandpal, appearing on behalf of the State



has placed for our perusal an order dated 07.08.2026, passed by Technical Evaluation Committee on the representation of the petitioner, whereby the representation has been rejected. The reason given by the Committee is that in the experience certificate the quantity of work done in respect of each item was not clearly indicated and consequently it was not possible to assess the experience of the petitioner in respect of each item as per BOQ.

5) We have gone through the experience certificate and we find that quantity of each work is specifically stated therein though the name of the work is slightly different from the name mentioned in the Standard Document for Procurement of Works. The plea of the petitioner that the work experience possessed by him was as per the requirement and there was only difference in the nomenclature of the work, has not been examined by the Technical Evaluation Committee, consequently, the decision of the Technical Evaluation Committee passed on the representation of the petitioner cannot be sustained.

6) The issue as to whether there is only difference in nomenclature of the work or the nature of work itself, is required to be examined by the Technical Evaluation



Committee, which is an expert body, therefore, we refrain from expressing any opinion on the said issue.

7) The matter is remitted to the Technical Evaluation Committee for re-examination of the explanation of the petitioner in the light of the observations made above. Until such time the matter is re-examined by the Technical Evaluation Committee and, appropriate decision is taken, the tender in question shall not be finalized.

8) The writ petition stands disposed of accordingly.

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

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 14th AUGUST, 2026
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