SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS

WPMB/912/2026

M/s Vijay Prakash a proprietorship firm --Petitioner

Versus

Uttarakhand Jal Sansthan & another --Respondents

Hon'ble Manoj Kumar Tiwari, A.C.J.
Hon'ble Subhash Upadhyay, J.

Mr. Sandeep Kothari, learned counsel for the petitioner.

2. Mr. Pankaj Chaturvedi and Ms. Neeti Rana, learned counsel for the respondents.

3. Petitioner has challenged condition no.23 mentioned in the tender document issued by Uttarakhand Jal Sansthan.

4. Condition no.23 in the tender document is reproduced below:-

23.	**Experience/eligibility:-** Contractor/Firm having experience should have satisfactory constructed RCC CWR/OHT of 150 KL or more than capacity in one work order will be eligible for the proposed work	JIO No:35/577/2025/XX VII (9)/01/अधिप्राप्ति/ 2024-24/ई 77841 दिनांक 31 दिसम्बर 2025	Attached enclosed.

5. Learned counsel for the petitioner relies upon Government Order dated 31.12.2025 for challenging the impugned condition. In the said Government order, it is provided that for works valued upto Rs.1.5 crore, there shall be no requirement of past experience.

6. We are not impressed by the contention raised by learned counsel for the petitioner. The tender notice has been issued for work of construction of concrete water reservoir of 300 kiloliter capacity.

			7. Since the work is of specialized nature, therefore, the condition which is put in Clause 23 cannot be said to be so arbitrary so as to warrant interference under Article 226 of the Constitution of India. Even otherwise also, Uttarakhand Jal Sansthan is not a department of State Government but it is an autonomous statutory body, therefore G.O. issued by State Government is not binding upon it. 8. Hon'ble Supreme Court in case of ***Michigan Rubber (India) Limited vs. State of Karnataka and Others*** reported in (2012) Volume 8 SCC 206 has held as under:- *"**23.** From the above decisions, the following principles emerge:* *(a) The basic requirement of Article 14 is fairness in action by the State, and non-arbitrariness in essence and substance is the heartbeat of fair play. These actions are amenable to the judicial review only to the extent that the State must act validly for a discernible reason and not whimsically for any ulterior purpose. If the State acts within the bounds of reasonableness, it would be legitimate to take into consideration the national priorities;* *(b) Fixation of a value of the tender is entirely within the purview of the executive and the courts hardly have any role to play in this process except for striking down such action of the executive as is proved to be arbitrary or unreasonable. If the Government acts in conformity with certain healthy standards and norms such as awarding of contracts by inviting tenders, in those circumstances, the interference by courts is very limited;* *(c) In the matter of formulating conditions of a tender document and awarding a contract, greater latitude is required to be conceded to the State authorities unless the action of the tendering authority is found to be malicious and a misuse of its statutory powers, interference by courts is not warranted;* *(d) Certain preconditions or qualifications for tenders have to be laid down to ensure that the contractor has the capacity and the resources to successfully execute the work; and* *(e) If the State or its instrumentalities act reasonably, fairly and in public interest in awarding contract, here again, interference by court is very restrictive since no person can claim a fundamental right to carry on business with the*

Government.

24. *Therefore, a court before interfering in tender or contractual matters, in exercise of power of judicial review, should pose to itself the following questions:*

(i) Whether the process adopted or decision made by the authority is mala fide or intended to favour someone; or whether the process adopted or decision made is so arbitrary and irrational that the court can say: "the decision is such that no responsible authority acting reasonably and in accordance with relevant law could have reached"? and

(ii) Whether the public interest is affected?

If the answers to the above questions are in the negative, then there should be no interference under Article 226."

9. Having regard to the legal position as discussed above, there is hardly any scope for interference in the matter. The writ petition fails and is, accordingly, dismissed.

(Subhash Upadhyay, J.) **(Manoj Kumar Tiwari, A.C.J.)**

29.10.2026 29.10.2026

SS/PP