



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (M/B) No.747 of 2026

M/s Neelchameshwar Associates

----Petitioner

Versus

Uttarakhand Rural Roads Development Agency
& Others

----Respondents

September 15, 2026

Presence:-

Mr. Vikas Bahuguna, learned counsel for the petitioner

Mr. S.S. Chauhan, learned counsel for the respondents

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

1. Heard learned counsel for the parties.
2. The present writ petition has been filed challenging the order dated 05.08.2026 by which the Technical Evaluation Committee declared the bid of the petitioner to be non-responsive.
3. On 11.09.2026, after hearing learned counsel for the parties, the following order was passed:-

"1. Mr. Vikas Bahuguna, learned counsel for the petitioner.

2. Mr. S.S. Chauhan, learned counsel for the respondents.

3. Heard Mr. Vikas Bahuguna, learned counsel for the petitioner and Mr. S.S. Chauhan, learned counsel for the respondents.



4. *The technical bid of the petitioner was declared as non-responsive by the Technical Evaluation Committee on the ground that the documents supplied by him in support of his claim with regard to availability of construction equipment / machinery were not legible. The petitioner filed objection against the same, and along with it, he supplied the requisite documents again, copies whereof have been filed at page nos.129, 132 and 135 of the writ petition. We have gone through the said documents and we find the documents to be legible. However, the Technical Evaluation Committee has again rejected the bid of the petitioner on the ground that the documents submitted by him were not legible. It has thereafter recommended for initiating fresh tender process, inasmuch as only one bid qualified in the technical round.*

5. *The contention of learned counsel for the petitioner is that initially, the Technical Evaluation Committee wrongly declared the bid of M/s Shakti Om Construction, as responsive. The petitioner aggrieved thereby, preferred Writ Petition (M/B) No. 719 of 2026, and it was disposed of on basis of the statement made by learned counsel for the respondent-Department that the objection filed by the petitioner against the acceptance of the technical bid of M/s Shakti Om Construction shall be considered by the Department after due notice and opportunity of hearing to M/s Shakti Om Construction. Thereafter, the objection of the petitioner was found to be valid and the bid of M/s Shakti Om Construction was found to be non-responsive. Since, M/s Shakti Om Construction has been ousted from the tender process, therefore, the respondents have manufactured the instant ground for disqualifying the petitioner, so that only one bid remains responsive and they accordingly go ahead with fresh tenders, thereby giving M/s Shakti Om Construction another opportunity to submit a bid and secure the contract.*

6. *At this stage, we do not intend to examine the allegation of malafides levelled against the Department. However, as we find the copies of the documents supplied by the petitioner along with his objection to be legible, we direct the Department to produce the entire original record before us on 15.09.2026 and in the meantime, it shall not go ahead with the fresh tender process.*

7. *List on 15.09.2026.*



8. In the meantime, it shall be open to the Tender Evaluation Committee to re-visit the matter, if considered appropriate."

4. Shri S.S. Chauhan, learned counsel appearing for the respondent department has placed for our perusal the decision of the Bid Evaluation Committee dated 12.09.2026, whereby it has revisited its earlier decision and has declared the bid of the petitioner to be responsive.

5. Consequently, the cause of action does not survive.

6. Learned counsel for the petitioner fairly accepts the said factual position.

7. Accordingly, the writ petition is disposed of as infructuous.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 15.09.2026

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