



HIGH COURT OF UTTARAKHAND AT NAINITAL

**THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA
AND**

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

30th September, 2026

Writ Petition (M/B) No.828 of 2026

Community Action through Motivation Programme

-----Petitioner

Versus

State of Uttarakhand and others

-----Respondents

Presence:-

Mr. U.K.Uniyal, learned Senior Counsel, assisted by Mr. Sandeep Kothari and Mr. Mohammad Suhail, learned counsel for the petitioners.
Mr. G.D.Kandpal, learned Deputy Advocate General, assisted by Mr. P.S.Bisht, learned Chief Standing Counsel for the State/respondent nos. 1 to 3.

Mr. Ardhendumauli KR. P, learned Senior Counsel, assisted by Mr. Sandeep Tiwari, learned counsel for the respondent no.4.

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

1. Heard.
2. The present writ petition has been filed assailing the decision of the Technical Evaluation Committee declaring the bid of the petitioner as non-responsive, as also against the decision declaring the bid of respondent no.4 as technically qualified.
3. The bids were submitted by the parties in response to a notice inviting tender for the operation and maintenance of 108 Emergency Response Services in



Uttarakhand. The bid of the petitioner along with bids of three other bidders was declared non-responsive. Two bids, namely, that of respondent no. 4 and one U.K.SAS India Pvt. Ltd. were declared responsive. The financial bids were scheduled to be opened on 26.09.2026, however the same were opened on 28.09.2026, wherein respondent no. 4 has been declared L-1.

4. Mr. U.K.Uniyal, learned Senior Counsel assisted by Mr. Sandeep Kothari, learned counsel for the petitioner submits that the respondents have proceeded in grate haste and they have not disclosed any reason for declaring the bid of the petitioner as non-responsive. It is also his contention that the bid of respondent no.4 was non-responsive, inasmuch as, one of the partners of the joint venture had a contract with the Assam Government and the said contract was terminated on 09.03.2023. According to him, in view of the ineligibility stipulated under Clause 3 of Section B of the RFP, respondent no.4 was disqualified from participating in the tender process.

5. Learned State Counsel has placed on record the instructions received from the Department.



6. Learned counsel appearing for respondent no.4 contended that the ineligibility stipulations under clause 3 of Section B would not apply to a case of termination simpliciter of a contract on account of financial non-viability.

7. We find that the respondents have not disclosed reasons for declaring the bid of the petitioner as non-responsive. It is also admitted that so far the petitioner has not filed any objection against the acceptance of the bid of respondent no. 4, as such, we do not consider it appropriate to express any opinion at this stage in respect of the rival contentions.

8. The writ petition is disposed of with liberty to the petitioner to file objection against the declaration of his bid as non-responsive and in respect to the declaration of the bid of respondent no. 4 as responsive, within two days and, on which, the respondents will pass a speaking order within next three days.

9. The acceptance of the bid of respondent no.4 shall be subject to the final outcome of the decision, which would be taken by the respondents on the representation of the petitioner.



10. In case, the petitioner does not make representation without 48 hours, the benefit of the instant order would not be available to the petitioner.

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

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 30.09.2026
Kaushal