

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.11936 of 2026
Decided on : 17.07.2026

Timco Steel Company and others ...Petitioners

Versus

State of H.P. and others ...Respondents.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the petitioners : Mr. Aman Bahri, Sr. Advocate with Mr. Bawa Karanveer and Ms. Vidhushi Sharma, Advocates.

For the respondents : Mr. Swati Draik, Deputy Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

Notice. Ms. Swati Draik, learned Deputy Advocate General, accepts notice on behalf of the respondents.

2. The petitioner is aggrieved by the subsequent Notice Inviting Tender (for short NIT) dated 10.06.2026, for Code No.M-84 (Annexure P-5), whereby the closing date has been preponed from 14.07.2026 to 13.07.2026. His case is that in the earlier NIT dated 10.6.2026 (Annexure P-2) the closing date was fixed as 14th July, 2026 and, therefore, by way of overwriting/change, the respondents, as such, have curtailed his right to apply for the said NIT by prescribing a different closing date. It is, thus, submitted that the petitioner has been precluded from participating in the e-Tender Process. A direction has been sought for opening the Electronic

¹ *Whether the reporters of the local papers may be allowed to see the Judgment? Yes*

Bidding Portal qua e-Tender Notice No.01/2026-2027(SP) on <http://hptenders.gov.in>, or liberty be given to submit physical application.

3. Mr. Aman Bahri, learned Senior Advocate, has pointed out that on the earlier occasion, when the matter was sent for publication to various newspapers on 10th June, 2026, letter No.753, dated 10.6.2026 (Annexure P-2) had been issued, wherein the last date for submission of the tender bids was mentioned as 14th July, 2026. It is pointed out that the tender notice was accordingly to be published in the newspapers. However, it is submitted that in one of the newspapers, namely, Amar Ujala (page 54), the date has been mentioned as 13th July, 2026 (Annexure P-8).

4. Thus, it is submitted that since the tender could be filled through the Electronic Portal till 11:30 A.M., an attempt was made to submit the tender on 13th July, 2026, but the said portal was found blocked, resulting in prejudice being caused to the petitioner. It is submitted that at this stage, the petitioner may still be permitted to participate, as the financial bid has not yet been opened, of the other applicant.

5. Learned counsel appearing for the State, on the other hand, submits that being an empanelled contractor, notice was already issued on 18th June, 2026 by way of e-mail (Annexure P-6) to all concerned regarding the revised publication of the e-tender in the newspapers and, therefore, the petitioner was aware and could have applied by 13th July, 2026. It is, however, admitted that the financial bid is yet to be opened.

6. Keeping in view the right of consideration and the fact that the communication from the Additional Controller of Stores, Director Publication, H.P., vide letter No.753 dated 10th June, 2026 (Annexure P-2),

would go on to show that newspaper advertisements for eight categories were issued, wherein the last date for submission of tender bids was 13th July, 2026 for three categories and 14th July, 2026 for five categories.

7. Apparently, on account of the mistake which had occurred in the publication in Amar Ujala, the date for Code M-No.84 was mentioned as 13th July, 2026, which was contrary to the original communication issued by the respondents. Thus, it was the bounden duty of the respondents to issue necessary corrigendum clarifying that there was a mistake in the publication and that the last date for submission of bids would be 14th July, 2026.

8. It is also not disputed that the petitioner immediately represented on 13th July, 2026 (Annexure P-7) and raised the issue that the date had been preponed and that the portal had been blocked, thereby preventing him from participating in the tender process. In such circumstances, the grievance raised by the petitioner regarding curtailment of his opportunity to participate in the public bid process requires consideration by the respondent.

9. In such circumstances, we find that the prejudice caused to the petitioner has occurred only on account of the incorrect publication in the vernacular newspapers. Resultantly, keeping in view the peculiar facts and circumstances, the present writ petition is allowed with a direction that the petitioner's case shall be duly considered by opening the e-tender portal, as prayed for, or permitting him to submit his documents physically, as may be permissible. The needful be done by Wednesday i.e. 22nd July, 2026.

10. It is clarified that the respondents shall proceed further in the tender process expeditiously, as any delay in the tender process may entail holding up the entire process of selection.

Accordingly, the writ petition is disposed of, so also the pending miscellaneous applications, if any.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

17th July, 2026
(Tarun Singh)