

MINUTES OF OPENING OF ONLINE TECHNICAL BIDS FOR THE WORK Construction of link between already constructed three-legged elevated rotary on Amritsar – Tarn Taran road (MDR-103) to Amritsar Bhikhiwind Khemkaran road (NH-354) in district Amritsar (Punjab).

**Bid Price Rs. 6149.26/- Lacs Including GST.
Date of Opening of Technical Bids 25.07.2025**

Executive Engineer, National Highway Division, PWD B&R, Amritsar informed the tender processing committee that DNIT has been approved vide Chief Engineer (NH) Punjab PWD B&R Patiala memo no. 1108/CRIF/R-II dated 13.06.2025 and Superintending Engineer National Highway Circle PWD Amritsar Endst. No192-93/Road dated 18.06.2025 for Rs 6149.26 Lac Including GST.

Earlier, Tender processing committee for tenders above Rs. 30 crore involved concerned Chief Engineer as Chairman as per C.E. (PRBDB) Letter No. 10738-48 Dt. 21-02-2018 but after that as per Finance Department Additional Principal Secretary Finance, Punjab Govt. Chandigarh Endst. No.T.A (S-1)2022/Comp No. 336982/4220-25 dated 17-06-2022 and also as per instructions from Engineer-in-Chief office Memo No. 378-80/EIC-CE-CVO Dt. 24-11-25, Tender Processing Committee involves the following:-

1. S.E. National Highway Circle, PWD B&R Br., Amritsar
2. S.E. Construction Circle, PWD B&R Br., Amritsar
3. DCFA Internal Audit Organization (Finance), Amritsar
4. E.E. National Highway Division, PWD B&R Br. Amritsar

**(Chairman)
(Member)
(Member)
(Convener-
cum - member)**

However tender accepting authority is also Engineer-in-Chief cum Chief Engineer (NH)

The tender for the work cited as subject was called vide this Tender Notice 07 dated 24.06.2025 through e-tendering to be received upto 24.07.2025 at 03.00 PM and to be opened on 25.07.2025 at 03.00 pm. Accordingly The technical bids of the 4 No. bidders who had uploaded their bids online were downloaded and opened on 25.07.2025 from web site <https://eprocure.gov.in/eprocure/app> on 25.07.2025 at 03.00 p.m. by using DSC of Executive Engineer and Superintendent/ Senior Assistant :-The following 4 no.bidders have upload their bids:-

1. GAANESHKARTIKEY CONSTRUCTION PVT LTD, AMRITSAR.
2. MS GURBACHAN SINGH CONTRACTOR, BATHINDA.
3. MS DMR BUILDERS PVT. LTD, BATHINDA.
4. JKA ASSOCIATES PVT LTD, PANCHKULA

As per clause7 of DNIT Agencies have to submit in physical form the receipt of fee deposit and EMD documents in the Office of Executive Engineer National Highway Division, PWD B&R, Amritsar before opening of technical bid i.e.24.07.2025 at 3.00 PM. Documents of following agencies were received before opening of Technical bids.

1. GAANESHKARTIKEY CONSTRUCTION PVT LTD, AMRITSAR.
2. MS GURBACHAN SINGH CONTRACTOR, BATHINDA.
3. MS DMR BUILDERS PVT. LTD, BATHINDA.
4. JKA ASSOCIATES PVT LTD, PANCHKULA

This project involves RCC work amounting to Rs 40.34 Cr. and road work amounting to Rs 18.87 Cr. where value of bituminous work involves Rs 8.12 Cr only. For Quality Concrete work and bituminous work the age of Concrete mixing and batching plant & Batch type Hot Mix Plant is very important as per machinery requirement for the work. As per Approved DNIT, 2 No. Concrete mixing and batching plant and 2 No. Batch Type Hot Mix Plant of max age 5 year is required. Keeping in view major scope of structure work involves in this project and relatively less portion of bituminous work involved, TPC has decided to consider 2 No. concrete mixing and Batching Plant & 1 No. Batch Type Hot Mix Plant as per clause 26.1 of DNIT.

The agencies were given chance to clarify as per clause 23.4(ii) regarding status of machinery as per clause no. 4.5.5 of approved DNIT vide letter No: 1034 dated: 21.08.2025, No: 1578 dated 24.11.2025, No: 1652 dated: 24.11.2025, No: 1684 dated: 02.12.2025 & No: 1691 dated: 03.12.2025 issued by Executive Engineer, National Highway Division, PWD Amritsar. Based on Technical Evaluation done and replies received from the agencies, detailed evaluation report is as under:-

Sr. No.	Name of Agency	Detailed evaluations as per SBD	Responsive/ Non Responsive
1	GAANESHKARTIKEY CONSTRUCTION PVT LTD, AMRITSAR.	- Has ownership of two concrete batching and mixing plant of age 2 Year and 4 Years as per table at Annexure-2 of DNIT. - Has ownership of one Batch Type Hot Mix Plant aged 2 Year. - Successfully completed Similar work completed as required as per clause 4.5.3(b) of Approved SBD.	Substantially Responsive
2	MS GURBACHAN SINGH CONTRACTOR, BATHINDA	- Has ownership of three concrete batching and mixing plant of age 1, 2 & 3 Years. as per table at Annexure-2 of DNIT. - Has ownership of three Batch Type Hot Mix Plant aged less than 1, 1 & 4 Years. - Successfully completed Similar work completed as required as per clause 4.5.3(b) of Approved SBD.	Substantially Responsive
3	MS DMR BUILDERS PVT. LTD, BATHINDA	- Has ownership of two concrete batching and mixing plant of age 3 Years as per table at Annexure-2 of DNIT. - Ownership/Assured ownership of Batch Type Hot Mix Plant could not be verified and sufficient time has been given vide EE letter No.1684 Dated 02.12.2025 & 1691 Dated 03.12.2025. (copies attached) - Successfully completed Similar work completed as required as per clause 4.5.3(b) of Approved SBD.	Non Responsive

4	JKA ASSOCIATES PVT LTD, PANCHKULA	- Has ownership of two concrete batching and mixing plant of age 2 Years as per table at Annexure-2 of DNIT. - Has ownership of one Batch Type Hot Mix Plant aged 1Year. - Successfully completed Similar work completed as required as per clause 4.5.3(b) of Approved SBD.	Substantially Responsive
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In view of above and considering the importance of Concrete mixing for concrete work batching plant (Maximum age 5 years as per approved DNIT) for the concrete work and Batch Type Hot Mix Plant for bituminous work and keeping in light the Requirement of other Machinery as per Approved DNIT Clause no. 4.5.5 in which quantum of machinery as well as age is specified does not directly effects the quality of work.

As per clause No. 26 of Approved SBD which states as under:

"Clause No. 26 Examination of Bids and Determination of Responsiveness

26.1 During the detailed evaluation of "Technical Bids", the Employer will determine whether each Bid (a) meets the eligibility criteria defined in clause 3 and 4; (b) has been properly signed; (c) is accompanied by the required securities and; (d) is substantially responsive to the requirements of the Bidding documents. During the detailed evaluation of the Financial Bid, the responsiveness of the bids will be further determined with respect to the remaining bid conditions i.e. priced bill of quantities, technical specifications and drawings."

26.2 A substantially responsive "Financial Bid" is one which conforms to all the terms, conditions, and specifications of the Bidding documents, without material deviation or reservation. A material deviation or reservation is one (a) which affects in any substantial way the scope, quality, or performance of the Works; (b) which limits in any substantial way, inconsistent with the Bidding documents, the Employer's rights or the Bidder's obligations under the Contract; or (c) whose rectification would affect unfairly the competitive position of other Bidders presenting substantially responsive Bids.

26.3 If a "Financial Bid" is not substantially responsive, it will be rejected by the Employer, and may not subsequently be made responsive by correction or withdrawal of the non-conforming deviation or reservation.

Keeping in view of above technical evaluation, decision of Hon'ble High Court in CWP-12734, 12735 & 12742 of 2025 (**Orders attached**) and in light of clause 26.1 of approved DNIT, following 3 No. agencies found substantially responsive:-

1. GAANESHKARTIKEY CONSTRUCTION PVT LTD, AMRITSAR.
2. MS GURBACHAN SINGH CONTRACTOR, BATHINDA.
3. JKA ASSOCIATES PVT LTD, PANCHKULA.

be considered as responsive.

The bid evaluation report presented before the bid evaluation committee, after scrutinizing of the bids the committee is agreed with the evaluation and give permission to open

the Financial bids of the all responsive agencies after giving due time as per procurement Act 2022 and amended in 2024.


**Superintending Engineer,
Construction Circle,
PWD B&R, Amritsar
(Member)**


**Executive Engineer,
National Highway Division,
PWD B&R, Amritsar
(Member-cum-convener)**


**Superintending Engineer,
National Highway Circle,
PWD B&R, Amritsar
(Chairman)**


**DCFA Internal Audit Organization
(Finance)
District. Amritsar
(Member)**

utilized

Executive Engineer, National Highway Division,
PWD B&R Branch, Amritsar
E-mail:- eecw1asr@gmail.com **Phone No:-0183-2277666**

To,

Gaaneshkartikey Construction Private Limited,
12- B, Nikka Singh Colony,
Ram Tirath Road, Amritsar.

No: - 1034

Date: - 21/08/2025

Sub: - Construction of link between already constructed three-legged elevated rotary on Amritsar – Taran Taran road (MDR-103) to Amritsar Bhikhiwind Khemkaran road (NH-354) in district Amritsar (Punjab).

With reference to subject cited work & your bid, it is intimated that as per clause 4.5.5 of ITB, Equipment Capabilities the applicant should own or should have assured ownership of 2 no. concrete batching plant.

As per your bid, you have provided information of ownership of one number concrete batching and lease agreement for another. It is explained here that due to involvement of major structure work in this project, ownership or assured ownership of two number concrete batching plant is required for continuous operation of this project. So you are hereby asked to kindly provide ownership detail as per conditions of DNIT upto 15 days.

DA/x


Executive Engineer,
National Highway Division,
PWD (B&R), Amritsar.

4th Leg

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Executive Engineer, National Highway Division,
PWD B&R Branch, Amritsar
E-mail:- eecw1asr@gmail.com **Phone No:-0183-2277666**

To,

Gaaneshkartikey Construction Private Limited,
12- B, Nikka Singh Colony,
Ram Tirath Road, Amritsar.

No: - 1578

Date: - 24/11/25

Sub: - Construction of link between already constructed three-legged elevated rotary on Amritsar – Taran Taran road (MDR-103) to Amritsar Bhikhiwind Khemkaran road (NH-354) in district Amritsar (Punjab).

With reference to subject cited work & your bid, it is intimated that as per clause 4.5.5 of ITB, Equipment Capabilities: the applicant should own or should have assured ownership of 2 no. concrete batching plant.

As per your bid, you have provided information of ownership of one number concrete batching and lease agreement for another. It is explained here that due to involvement of major structure work in this project, ownership or assured ownership of two number concrete batching plant is required for continuous operation of this project. So you are hereby asked to kindly provide ownership detail as per conditions of DNIT upto 27.11.2025.

DA/x


Executive Engineer,
National Highway Division,
PWD (B&R), Amritsar.

4th leg

ad

Executive Engineer, National Highway Division,
PWD B&R Branch, Amritsar
E-mail:- eecw1asr@gmail.com **Phone No:-0183-2277666**

To,

M/s DMR Builders Pvt. Ltd,
SCF-126, Opp Sukhraj Cinema,
Rose Garden Complex, G.T Road,
Bathinda-151001.

Date: - 24.11.2025

No: - 1652

Sub: - Construction of link between already constructed three-legged elevated rotary on Amritsar – Taran Taran road (MDR-103) to Amritsar Bhikhiwind Khemkaran road (NH-354) in district Amritsar (Punjab).

With reference to subject cited work & your bid, it is intimated that as per clause 4.5.5 of ITB, Equipment Capabilities the applicant should own or should have assured ownership of Batch Type Hot Mix Plant.

As per your bid, you have not provided information regarding ownership of Batch Type Hot Mix Plant. So, you are hereby asked to kindly provide ownership detail as per conditions of DNIT within three working days.

DA/x


Executive Engineer,
National Highway Division,
PWD (B&R), Amritsar.

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Executive Engineer, National Highway Division,
PWD B&R Branch, Amritsar
E-mail:- eecw1asr@gmail.com Phone No:-0183-2277666

To,

M/s DMR Builders Pvt. Ltd.
SCF-126, Opp Sukhraj Cinema,
Rose Garden Complex, G.T Road,
Bathinda-151001.

No: - 1684

Date: - 02/12/25

Sub: - Construction of link between already constructed three-legged elevated rotary on Amritsar – Taran Taran road (MDR-103) to Amritsar Bhikhiwind Khemkaran road (NH-354) in district Amritsar (Punjab).

Ref:- Your Letter No: DMR-CHD/2025/1392 dated: 27.11.2025

With reference to subject cited above and your letter mentioned under reference you have provided invoices regarding ownership of 2 No: Batch type HMP. Kindly specify reason for not submitting these documents while uploading bid for work under subject. Also you are requested to kindly submit clear and readable copy of bill attached showing purchase of Atlas Technologies Pvt. Ltd. Also kindly provide your GST return showing bills/vouchers of these transactions within two working days i.e. 04.12.2025 else your bid will be considered as non responsive. Also provide installed locations of both these plants.

Treat it as most urgent.

DA/x

o/c


Executive Engineer,
National Highway Division,
PWD (B&R), Amritsar.

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Executive Engineer, National Highway Division,
PWD B&R Branch, Amritsar
E-mail:- eecw1asr@gmail.com **Phone No:-0183-2277666**

To,

M/s DMR Builders Pvt. Ltd,
SCF-126, Opp Sukhraj Cinema,
Rose Garden Complex, G.T Road,
Bathinda-151001.

No: - 1691

Date: - 03.12.2025

Sub: - Construction of link between already constructed three-legged elevated rotary on Amritsar – Taran Taran road (MDR-103) to Amritsar Bhikhiwind Khemkaran road (NH-354) in district Amritsar (Punjab).

Ref:- In Continuation of this office letter no: 1684 dated: 02.12.2025

With reference to subject cited above it is intimated that ownership invoices provided by your agency does not look authentic. You are hereby requested to kindly provide proof regarding authentication of these ownership invoices till 04.12.2025 else disciplinary action shall be initiated against your agency as per clauses of DNIT.

DA/x

o/c
Executive Engineer,
National Highway Division,
PWD (B&R), Amritsar.

Punjab Roads & Bridges Development Board
SCF 61-62, Phase-2, Mohali 160 055

To

1. The Chief Engineer (HQ/N, Central/IP, South/QC, NH),
Punjab PWD (B&R).
2. The Chief Engineer-cum-Technical Advisor,
Chandigarh
3. The Chief Architect Punjab,
Chandigarh.
4. All the Superintending Engineers,
Punjab PWD (B&R).
5. All the Executive Engineers,
Punjab PWD (B&R).

Memo No.: 10738-48

Date: 21-2-2018

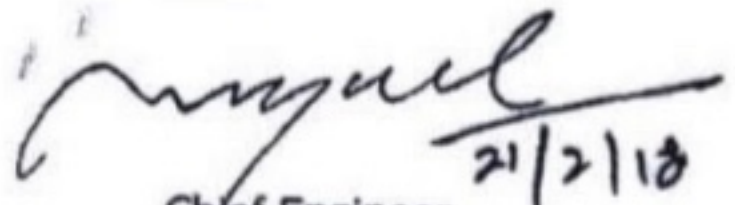
Subject: Instructions to Tender Inviting Authority regarding e-procurement portal.

The Advisor (Technical) to the Hon'ble CM, Punjab brought to the notice of the Department regarding Malpractices in the e-tendering system. Subsequently, the instructions to be followed in respect of e-tendering have been prepared in consultation with Advisor (Technical) to the Hon'ble CM, Punjab and have been finalized after discussions. The copy of these instructions is enclosed herewith as **Annexure-I**.

You are requested to ensure meticulous compliance of these instructions and acknowledge the receipt of the same.

This is being issued with the approval of Secretary Public Works.

D/A: As above


21/2/18
Chief Engineer,
PRBDB, Mohali.

Endst. No.:

Date:

A copy of above alongwith the instructions is forwarded to the following for information:

1. The Secretary to Govt. of Punjab, Department of Public Works (B&R),
Chandigarh.
2. Advisor (Technical) to the Hon'ble CM, Punjab, Mohali.

D/A: As above

/
Chief Engineer,
PRBDB, Mohali.

INSTRUCTIONS FOR E-TENDERING

1 The following instructions are being issued/reiterated:-

(a) **Notice Inviting Tenders/ On-line Bids (Tender Call Notice) .**

(i) Government of Punjab vide its Notification dated 03 Jul 96 and PWD (B&R) Manual of Orders Para-7.26 (c) has clearly laid down the time period as given below:-

- (aa) Work costing from Rs 5 lakh to Rs 50 lakh, -10 days
- (ab) Work costing from Rs 50 lakh to Rs 2 crore, -15 days
- (ac) Work costing above Rs 2 crore, -21 days

Notes.

(i) *In case, there is any reduction in the notice time due to any reason, the TIAs should obtain prior approval from the Competent Authority before creation of the Tender on E-Procurement Portal.*

(ii) *Any lapse in compliance of the above time period and instructions should be viewed seriously and disciplinary action should be initiated against the defaulter TIAs.*

(iii) *The CEs and SEs are directed to ensure the above compliance of the above directions in letter and spirit.*

(b) **Publicity of Notice Inviting Tenders.**

(i) Maximum publicity of the Tender Notice should be ensured as follows:-

(aa) The Tender Notice letters should be addressed to all reputed Firms (Contractual Agencies), Contractors Union of the District etc.

(ab) Such letters should be posted 'Under Postal Certificate'.

(ac) Copies of the 'Notice Inviting Tenders' should also be sent to all the Divisions of the respective Circle for being exhibited on the Notice Board.

(ad) The 'Notice Inviting Tenders' should also be uploaded on www.pwdpunjab.gov.in

(ae) The 'Notice Inviting Tenders' to be published in the Newspapers should be in the same format as in the Standard Bidding Document (SBD). No other format of 'Notice Inviting Tender' is permitted.

(c) Creation of Tenders on E-Procurement Portal Notice.

(i) The creation of tenders should only be done by the concerned Divisional Staff on the E-Procurement Portal of system available in their respective Offices and not to be out-sourced.

(ii) Online availability of bids should be ensured on the E-Procurement Portal as per the time schedule brought out in the "Notice Inviting Tender".

(d) Uploading of Corrigenda/Addenda on E-Procurement Portal.

(i) The E-procurement portal has also provision to upload information from time to time as and when need arise such as Corrigenda/ Addenda etc. Such information must be promptly uploaded by the TIAs in line with the time schedule mentioned in the 'Notice Inviting Tenders'.

(ii) The time schedule of Tendering Process should be strictly adhered to, however in exceptional cases if it has to be postponed, a proper record of the same should be submitted by the concerned XEN to his CE and to DoGR.

(e) Opening of Technical Bid.

(i) The TIA must open the Bid as per the laid down time schedule and this time period should be extended *in exceptional cases only, after seeking prior approval from the respective CE.*

(ii) To prevent delays in Bid opening, the TIAs should utilize the options available viz *'two out of three' or 'two out of four'* DSCs.

(iii) Despite the above, if still date has to be postponed, a proper record should be submitted to the respective CE and DoGR.

(f) Date and Time Stamping of Documents Downloaded from E-Procurement Portal.

(i) Now onwards, the documents downloaded from the e-Procurement Portal would carry date, time stamping and the IP details from where, these have been downloaded. This will ensure that no Photostat copies are inserted or replaced in the downloaded documents at later stage.

(ii) However any clarification/modification of his Technical Bid by the prospective bidder, if necessary, with respect to any rectifiable defects can be sought pursuant to clause 22 and 24 of the Standard Bidding Document.

(iii) This procedure regarding seeking of clarification/modification of technical bid from the bidder should be made part of the proceedings for technical evaluation.

(g) Evaluation of Technical Bids.

(i) The constituents of Tender Processing Committee (TPC) should be declared at the time of creation of tender.

(ii) After opening the technical bids, the same should be promptly evaluated by the TPC and the recommendations in the form of Minutes of TPC should be immediately uploaded on the e-Procurement Portal.

(iii) The above should be done within a week of opening of technical bids. Any delay in uploading of the same should be properly accounted for by the TIA in the opening of Minutes being uploaded.

(iv) As and when, the Minutes of the TPC are uploaded the each bidder would automatically get an SMS alert to check status of his technical bid, so that in case, any ambiguity in the recommendation is observed aggrieved one can approach the appropriate authority. The SMS to the bidders would also specify the time period within which they can approach the concerned authority.

(h) Opening of Financial Bids.

(i) The financial bids should be opened and the tender summary report should be system generated with the financial quote drawn from the bids submitted by the bidders.

(ii) No manual entry should be made.

(iii) The TPC recommendations regarding financial bids should be immediately uploaded on the e-Procurement Portal. Any delay, if any, would be duly recorded by the TIA in the Minutes (to be uploaded on the e-Procurement Portal).

(iv) For work costing more than Rs 30.00 crore, it has been suggested that Zonal Chief in-charge should be made convener of the Tender Processing Committee.

(v) Every bid above Rs 10.00 lakh should be evaluated technically and financially by the Tender Processing Committee.

(j) **Miscellaneous Points.**

(i) **Digital Signature Certificate (DSC).**

(aa) All TIAs should ensure that the DSC are kept under safe custody. Under no circumstances, the DSC should be used by any other persons and DSC cannot be used by an Officer while he is availing earned leave /foreign leave (Ex-India Leave).

(ab) Before an Officer retires/superannuates, his DSC should be cancelled.

(ii) **Blacklisted/ Debarred Contractors.**

(aa) TIAs should regularly update the information with regard to blacklisting / debarring of Contractors on the E-procurement portal.

(ab) The above should take place preferably the day any Firm is blacklisted / debarred.

(iii) **Single Bid in the First Instance**

(aa) Generally, no technical bid shall be opened in the case where only a single bid has been received in the first instance.

(ab) If there are more than one No of bids but after technical evaluation, only single bid remains, the same shall not be processed further and Financial Bid of the single bidder shall not be opened in the first instance.

(ab) If in the second instance again, a single bid has been received, the same may be opened and processed further only provided the rates are justifiable and the Bid got approved from the competent authority.

(ac) In exceptional cases, Single bid in the first instance shall be opened and processed further after obtaining prior approval of the Government.

(iv) **Authorization by the Tender Processing Committee**

(aa) Any member of the Tender Processing Committee would not be required to authorize any of its sub ordinates in evaluation of the technical/financial bids

(ab) In exceptional circumstances, if any member of the TPC is on leave or not available, the same can be done with the prior approval of the concerned zonal Chief Engineer.

(v) **Fixing of Time Frame for Various Types of Projects**

(aa) Time frame for completion of the project should be kept in a judicious and realistic way. A policy should be in place to keep the time frame for various types of projects in a judicious and realistic way.

(vi) **Calculation of Assessed Bid Capacity**

(aa) There must be definite procedure or guidelines to calculate the assessed Bid Capacity of the prospective bidders. Clear guidelines should be made part of the Standard Bidding Document in this regard.

Tender

(To be substituted with same No. & date)

ਕੰਪਿਊਟਰ ਨੰਬਰ: 336982/4220-25 dated 17.06.2022

ਪੰਜਾਬ ਸਰਕਾਰ, ਵਿੱਤ ਵਿਭਾਗ (ਖਜਾਨਾ ਤੇ ਲੇਖਾ)

ਵਿੱਤ ਤੇ ਯੋਜਨਾ ਭਵਨ,

ਪਲਾਟ ਨੰ: 2 ਬੀ, ਸੈਕਟਰ-33 ਏ, ਚੰਡੀਗੜ੍ਹ।

ਹੁਕਮ

ਲੇਕ ਨਿਰਮਾਣ ਵਿਭਾਗ (ਬੀ.ਐੱਡ.ਆਰ.) ਵਿੱਖੇ Bid Evaluation Committees for various Construction/ National Highway/ Electrical/ Mechanical Circles in the Department of PWD (B&R) for procurement ਸਬੰਧੀ ਹੇਠ ਦਰਸਾਏ ਟੇਬਲ ਦੇ ਕਾਲਮ ਨੰਬਰ:6 ਅਨੁਸਾਰ ਅੰਦਰੂਨੀ ਪੜਤਾਲ ਸੰਸਥਾ (ਮਾਲ) ਦੇ ਡਿਪਟੀ ਕੰਟਰੋਲਰ (ਵਿਤੋਲੇ) ਨੂੰ ਇਨ੍ਹਾਂ ਕਮੇਟੀਆਂ ਵਿੱਚ ਵਿੱਤ ਵਿਭਾਗ ਦੇ ਨੁਮਾਇੰਦੇ ਵਜੋਂ ਮੈਂਬਰ ਨਾਮਜ਼ਦ ਕੀਤਾ ਜਾਂਦਾ ਹੈ:

Sr. No	Name of Circle	Chairman	Member-I	Member-II-cum- Convener	Member III
1	2	3	4	5	6
1.	Construction Circle Amritsar	S.E. Construction Circle Amritsar	SE. National Highway Circle Amritsar	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Amritsar
2.	Construction Circle Pathankot	S.E. Construction Circle Pathankot	SE. Construction Circle Amritsar	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Gurdaspur
3	Construction Circle Jalandhar-1	S.E. Construction Circle Jalandhar-1	S.E. Construction Circle Jalandhar-2	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Jalandhar
4	Construction Circle Jalandhar-2	S.E. Construction Circle Jalandhar-2	S.E. Construction Circle Jalandhar-1	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Kapurthala
5	Construction Circle Bathinda	S.E. Construction Circle Bathinda	SE. Construction Circle Sangrur	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Bathinda
6	Construction Circle Faridkot	S.E. Construction Circle Faridkot	S.E. Construction Circle Ferozepur	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Faridkot
7	Construction Circle Ferozepur	S.E. Construction Circle Ferozepur	S.E. National Highway Circle Ferozepur	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Ferozepur
8	Construction Circle Sangrur	S.E. Construction Circle Sangrur	S.E. Construction Circle Faridkot	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Sangrur
9	Construction Circle Patiala-1	S.E. Construction Circle Patiala-1	S.E. Construction Circle Patiala-2	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Patiala
10	Construction Circle Patiala 2	S.E. Construction Circle Patiala-2	S.E. Construction Circle Patiala-1	Executive Engineer Concerned	
11	Construction Circle Hoshiarpur	S.E. Const. Circle Hoshiarpur	SE. Construction Circle Jalandhar-1	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Hoshiarpur
12	Construction Circle Ludhiana	S.E. Construction Circle Ludhiana	S.E. National Highway Circle Ludhiana	Executive Engineer Concerned	DCFA {Internal audit organization (Revenue)} Ludhiana

13	Construction Circle Chandigarh	S.E. Construction Circle Chandigarh	S.E. National Highway Circle Chandigarh	Executive Engineer Concerned	DCFA (Internal audit organization (Revenue)) Rupnagar
14	National Highway Circle Amritsar	S.E. National Highway Circle Amritsar	S.E. Construction Circle Amritsar	Executive Engineer Concerned	DCFA (Internal audit organization (Revenue)) Amritsar
15	National Highway Circle Ludhiana	S.E. National Highway Circle Ludhiana	S.E. Construction Circle Ludhiana	Executive Engineer Concerned	DCFA (Internal audit organization (Revenue)) Ludhiana
16	National Highway Circle Ferozepur	S.E. National Highway Circle Ferozepur	S.E. Construction Circle Ferozepur	Executive Engineer Concerned	DCFA (Internal audit organization (Revenue)) Ferozepur
17	National Highway Circle Chandigarh	S.E. National Highway Circle Chandigarh	S.E. Construction Circle Chandigarh	Executive Engineer Concerned	DCFA (Internal audit organization (Revenue)) Rupnagar
18	Electrical Circle (South) Patiala	S.E. Electrical Circle (South) Patiala	S.E. Mechanical Circle Patiala	Executive Engineer Concerned	DCFA (Internal audit organization (Revenue)) Patiala
19	Electrical Circle (North) SAS Nagar	S.E. Electrical Circle (North) SAS Nagar	S.E. Electrical Circle (South) Patiala	Executive Engineer Concerned	DCFA (Internal audit organization (Revenue)) Rupnagar
20	Mechanical Circle Patiala	S.E. Mechanical Circle Patiala	S.E. Electrical Circle (South) Patiala	Executive Engineer Concerned	DCFA (Internal audit organization (Revenue)) Patiala

2) ਇਹ ਹੁਕਮ ਤੁਰੰਤ ਲਾਗੂ ਹੋਵੇਗਾ।

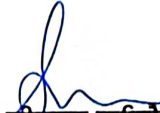
ਮਿਤੀ 17.6.2022

ਕੇ.ਏ.ਪੀ.ਸਿਨਹਾ, ਆਈ.ਏ.ਐਸ.,
ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ, ਵਿੱਤ, ਪੰਜਾਬ ਸਰਕਾਰ,
ਵਿੱਤ ਵਿਭਾਗ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।

ਪਿ.ਅੰ.ਨੰ: ਟੀ.ਏ. (ਐਸ-1)2022/ਕੰਪਿ:ਨੰ:336982/4220-25 ਮਿਤੀ: 17.06.2022

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆ ਨੂੰ ਸੂਚਨਾ ਤੇ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

1. ਮਹਾਂਲੇਖਾਕਾਰ (ਲੇਖਾ ਤੇ ਹੱਕਦਾਰੀ), ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
2. ਮਹਾਂਲੇਖਾਕਾਰ (ਆਡਿਟ), ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
3. ਮੁੱਖ ਇੰਜੀਨੀਅਰ, ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ (ਬੀ.ਐੱਡ.ਆਰ.), ਪਟਿਆਲਾ।
4. ਕਾਲਮ ਨੰ: 2,3,4,5 ਅਤੇ 6 ਵਿੱਚ ਦਰਸਾਏ ਸਮੂਹ ਦਫਤਰਾਂ ਨੂੰ।
5. ਕਾਲਮ ਨੰਬਰ: 6 ਵਿੱਚ ਦਰਸਾਏ ਦਫਤਰਾਂ ਦੇ ਡਿਪਟੀ ਕੰਟਰੋਲਰ (ਵਿਤੋਲੇ) ਨੂੰ।
6. ਨਿੱਜੀ ਸਕੱਤਰ/ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ, ਵਿੱਤ, ਨਿੱਜੀ ਸਹਾਇਕ/ਸਕੱਤਰ (ਖਰਚਾ), ਪੀ.ਏ./ ਡਾਇਰੈਕਟਰ, ਖਜ਼ਾਨਾ ਤੇ ਲੇਖਾ, ਸਟੈਨੇ/ਅਡੀਸ਼ਨਲ ਡਾਇਰੈਕਟਰ (ਖ.ਤੋ ਲੇ), ਐੱਚ.ਆਰ.ਐਮ.ਐਸ ਮੁੱਖ ਦਫਤਰ (ਐਸ ਬਰਾਂਚ)।


ਅਡੀਸ਼ਨਲ ਡਾਇਰੈਕਟਰ (ਵਿਤੋਲੇ)

ਵਾਸਤੇ ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ,
ਵਿੱਤ ਵਿਭਾਗ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।

OFFICE OF THE ENGINEER-IN-CHIEF, PUNJAB PWD B&R
(cum-CHIEF ENGINEER-cum-CHIEF VIGILANCE OFFICER)

To

(Through email only)

1. The Chief Engineer (West/South/Central/North/NH)
Punjab PWD (B&R), Patiala
2. All Superintending Engineers
Punjab PWD (B&R)
3. All Executive Engineers
Punjab PWD (B&R)

Memo No.: ~~378-380~~/EIC-CE-CVO

Dated: 24-11-2025

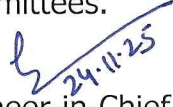
Subject: Compliance of Transparency in Public Procurement Rules, 2022 and Orders of Department of Finance regarding Bid Evaluation Committee.

The Government of Punjab, vide Notification No. G.S.R. 02/P.A.12/2019/S.60/2022 dated 6 January 2022, notified the Punjab Transparency in Public Procurement Rules, 2022. Further amendments to these Rules were issued through Notification No. G.S.R. 8/P.A.12/2019/S.60/Amd.(1)/2024 dated 6 February 2024.

Moreover, the Department of Finance, Government of Punjab through orders dated 17 June 2022, constituted Bid Evaluation Committees for various Construction, National Highway, Electrical, and Mechanical Circles in the Department of PWD (B&R) for procurement purposes.

All concerned are hereby directed to ensure strict compliance with the Punjab Transparency in Public Procurement Act/Rules notified by the Government of Punjab and as well as the instructions issued by the Finance Department regarding Bid Evaluation Committees during all procurement activities undertaken in the Department.

Further, the instructions issued to the Tender Inviting Authority regarding the e-procurement portal, vide letter no. 10738-48 dated 21-02-2018 by the Chief Engineer, PRBDB, stand superseded by the Punjab Transparency in Public Procurement Act/Rules notified by the Government of Punjab and by the orders of the Finance Department dated 17-06-2022 concerning the Bid Evaluation Committees.

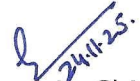

Engineer-in-Chief
Punjab PWD (B&R)

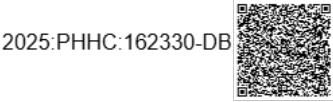
Endst. No. ~~381~~

/EIC-CE-CVO

Dated: 24-11-2025

A copy of the above is forwarded to the Worthy Secretary to Govt. of Punjab, Department of Public Works (B&R), Chandigarh for information, please.


Engineer-in-Chief
Punjab PWD (B&R)



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CWP No. 12734 of 2025(O&M)

1.

M/s Jagson Constructions Limited

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CWP No. 12735 of 2025(O&M)

2.

M/s Gaanesh Kartikey Construction Private Limited

.....Petitioner

Versus

State of Punjab and others

..... Respondents

AND

CWP No. 12742 of 2025 (O&M)

3.

M/s Sharma Contractor Private Limited

.....Petitioner

Versus

State of Punjab and others

..... Respondents

Reserved on

: 15.10.2025.

Pronounced on

: 20.11.2025.

Uploaded on

: 21.11.2025

Whether full judgment

is pronounced

or

operative part thereof

:

Full.

CORAM:-

HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:

Mr. Akshay Bhan, Sr. Advocate

with Mr. Harsh Vasu Gupta, Advocate

for petitioner(s) (in CWP Nos. 12734 and 12735 of 2025).

Mr. Dheeraj Mahajan, Advocate

for the petitioner (in CWP No. 12742 of 2025).

Mr. R.S.Pandher, Addl.AG., Punjab.

Mr. Rohan Markanda, Advocate

Mr. Saurav Markanda, Advocate
for respondents No.6 and 7 (in all writ petitions).

LISA GILL, J.

1. CWP Nos. 12734, 12735 and 12742 of 2025 are taken up together for consideration and adjudication at request and with consent of learned counsel for the parties as petitioners in all the three writ petitions have challenged rejection of their technical bids which were submitted by them pursuant to issuance of Tender Notice No. 69 in respect of the work *“Construction of new road on Dhusi band traverse along with the river Ravi from Ghonewal, Ramdas Road to Gulgarh, District Amritsar in the State of Punjab”*.

2. It is submitted that Tender No. 69 was issued for *“Construction of new road on Dhusi band traverse along with the river Ravi from Ghonewal, Ramdas Road to Gulgarh, District Amritsar in the State of Punjab”* on 18.02.2025. Tender document is attached as Annexure P-1 with the writ petition. All the petitioners claiming to be eligible submitted their tenders before the last date for submission thereof. Technical bids were opened on 21.03.2025. All the petitioners were however found to be non-responsive. Rejection was uploaded on 30.04.2025. Tender Processing Committee comprising five (05) members opened the technical bids on 21.03.2025. All bidders were afforded an opportunity to clarify status of machinery vide communications dated 24.03.2025 and 04.04.2025. Response was received from respondents No.6 and 7 besides one other subsequent to communication dated 04.04.2025. Relevant portion of the minutes of the Tender Processing Committee reads as under:-

“The agencies was also given chance to clarify the status of machinery as per clause no. 4.5.5 of approved DNIT vide letter

no. 78-74 dated 04.04.2025 issued by Executive Engineer, Central Works Division No 2 PWD Amritsar. Only response of agencies at Sr. No. 2, 4, 7 and 8 received but after considering the reply the agency wise detailed evaluation report is as under:-

Sr. No.	Name of Agency	Detailed evaluation as per SBD	Responsive/Non-responsive
1.	M/s Ganeshkartikey Construction Pvt. Ltd.	- Only one Batch Tye Plant of 2011 (14 years Old) model against the requirement of 2 no. plants of 5 years age. - Have not shown the following work in its bid as work in hand:- construction of Road Manali-Sarchu-Leh to NHDL Specifications from Design <i>chainage km. 244.00 to km 268.670 on NH-03 (Taken Manali AS Km.0.00)</i>. Under project Himank in Ladakh (UT) On EPC Mode Length 24.670 Km awarded as Joint Venture namely Ganeshikartikey Construction Pvt. Ltd and Gurbachan Singh Contractor, in which Ganeshkartikey Construction Pvt. Ltd has 51% share. This wok has been shown by the Bidder M/s Gurbachan Singh Contractor who have also submitted their bid for the same tender	Non-responsive
2.	Satish Aggarwal and Company	- Out of 2 Batch Type Plants 1 No. is 2019 Model (6 years old) and 2nd plant is 1 year old of 2024 model of 100TPH. - No Work Experience of Highway (SH/NH) as required as per Approve DNIT Clause 4.5.3 (b).	Non-responsive
3.	Jagson Constructions Ltd.	- Only 1 Batch Type Plant (2016 Model Age 9 Years old) Against the requirement of 2 No. Plants has been attached in the bid - Machinery shown in bid is not as per requirement at clause 4.5.5 of Approve SBD	Non-responsive
4.	N.H Constructions Pvt. Ltd	Out of 2 Batch type Plants 1 No. is 2017 Model (8years old) and two bills are attached of the same plant come from factory in parts	Non-responsive

		one part is plant and other is of accessories are attached with the bid	
5.	Sharma Contractors Pvt. Ltd.	- Ownership of only 1 No. Batch type plant of 2015 Model, 1 Batch type plant Bill of 2022 Model in the name of Rajinder infra has been attached in the bid and is not owned by the bidder - Only final bill of eligible work has been attached, no performance certificate attached	Non-responsive
6.	Jeet Construction	- Physical Document of Agency were not received on time as required as per clause 7 of Approved DNIT - Major Machinery i.e. Batch type Plants are on Lease against the requirement of ownership as per clause no. 4.5.5 of Approved SBD	Non-responsive
7.	M/s Gurbachan Singh Contractor	- Has ownership of two batch type plants of age 1 year and 4 years. - Successfully completed Similar work completed as required as per clause 4.5.3(b) of Approved SBD	Substantially responsive
8.	M/s Sanjeev Kumar Goyal	- Has ownership of two batch type plants of age 1 year each - Substantially completed One Similar Work Amounting to Rs.52.5 Cr., which is 02% executed which considered as per clause 4.5.3(b) of Approved SBD	Substantially responsive

For Quality bitumen work the age of Batch Type Hot Mix Plant is very important as per machinery requirement for work above 50.00Cr. as per Approved DNIT, 2 No. Batch Type Hot Mix Plant of Max. Age 5 Year is required.

The above status of all the bidders regarding the availability of machinery with age was brought to notice of higher authorities vide e-office file No. 883312 in which at note no 3 worthy Chief Engineer (North) has commented as under:

"As per Note#1 by EE, Technical bids of the CRIF work were opened and evaluated. There is stringent clause about ownership, age of machinery and quantity. Only two firms M.s Gurbachan Singh Contractor & M/s

Sanjeev Kumar Goyal Contractor are substantially responsive whereas others have major deficiencies as per EE Note.

As per clause 26(Attached), Technical bids that are substantially responsive can be considered".

In view of above and considering the Importance of Batch Mix Plant (Maximum age 5 years as per approved DNIT) for the bitumen work in Highway road work and keeping in light the Requirement of other Machinery as per Approved DNIT Clause no. 4.5.5 in which quantum of machinery as well as age is specified does not directly effects the quality of work. As per technical evaluation done as above keeping all the guidelines of the DNIT in preview only following two agencies meets the criteria substantially i.e:

1. M.s Gurbachan Singh Contractor
2. M/s Sanjeev Kumar Goyal Contractor.

As per clause No. 26 of Approved SBD which states as under:

"Clause No. 26 Examination of Bids and Determination of Responsiveness

26.1 During the detailed evaluation of "Technical Bids", the Employer will determine whether each Bid (a) meets the eligibility criteria defined in clause 3 and 4; (b) has been properly signed; (c) is accompanied by the required securities and; (d) is substantially responsive to the requirements of the Bidding documents."

Keeping in view of above technical evaluation and in light of clause no. 26 the 2 No. substantially responsive agencies i.e.

1. M.s Gurbachan Singh Contractor
2. M/s Sanjeev Kumar Goyal Contractor.

be considered as responsive.

The bid evaluation report presented before the bid evaluation committee, after scrutinizing of the bids the committee is agreed with the evaluation and give permission to open the

Financial bids of the both responsive agencies after giving due time as per procurement Act 2022 and amended in 2024.”

3. Aggrieved therefrom present writ petitions have been filed.
4. Learned senior counsel for petitioner in CWP No. 12735 of 2025 vehemently argued that respondents have clearly adopted a pick and choose policy. Terms and conditions of the tender document in respect to the Batch Type Hot Mix Plant, are merely directory and not mandatory. It is submitted that petitioner duly uploaded bills of two Batch Type Hot Mix Plants in the bid document uploaded by it. This has not even been considered by the authorities which reveals non-application of mind. Insofar as the age of equipment is concerned, though it is mentioned in Clause 4.5.5 that applicant must own the key equipment as suggested in Annexure-II given in the Standard Bidding Document (SBD) which includes the Batch Type Hot Mix Plant at Sr. No. 7 in the list of 19 equipments, this is merely a suggestive list and cannot be considered mandatory in any manner. Furthermore, this requirement has no nexus with the object sought to be achieved. Furthermore, two of the bidders who are also petitioners before this Court i.e., M/s Jagson Construction Limited and M/s Sharma Contractor Private Limited, had earlier been allotted the work as such with the same set of equipment being offered. Therefore, it is not open for the respondents to now turn around and reject the technical bid on the grounds as detailed above. It was also submitted that requirement of criteria of age of equipment is now being enforced only in order to accommodate the other bidders. Respondent-authorities are trying to create a class within a class by stating that the Batch Type Hot Mix Plant must also meet the criteria of age. In respect to non-disclosure of the work of construction of Manali-Sarchu-Leh Road, petitioner in response to the explanation called for by Department on

11.04.2025 clearly replied on 12.04.2025 that in view of an advisory issued by the Government, no work is being done, therefore there is no requirement of disclosing the said work as no man power or machinery is deployed there. It was reiterated by learned senior counsel for petitioner (s) that in respect to another tender by a different division of respondent-department, petitioner has been found to be technically compliant on 21.04.2025. Therefore, it is not understandable as to how petitioner in the present tender is found to be non-responsive with there being no difference in its eligibility or capacity or equipment as offered. Moreover, detail of equipment uploaded by respondents No.6 and 7 displays that they are also short of the benchmark as specified in the tender document.

5. Similar arguments were raised on behalf of petitioners in CWP No. 12734 of 2025 and CWP No. 12742 of 2025. Learned counsel for petitioner(s) also submitted that no opportunity of hearing or clarification of bid in terms of Clause 23.4 was provided to petitioner(s), who immediately submitted their respective representations by way of e-mail to the respondent to reconsider their technical bids. However, the respondents in an arbitrary and illegal manner have rejected technical bids of four of the total seven participating bidders in order to grant the benefit to respondents No.6 and 7. It was thus prayed that all the three writ petitions be allowed as prayed for.

6. Learned counsel for respondents in all the three writ petitions have refuted the arguments as raised on behalf of the petitioners. Short reply by way of affidavit dated 21.05.2025 of Mr. Dilbagh Singh, Executive Engineer, Central Works Division No. 2 PWD (B&R) Amritsar on behalf the official respondents has been filed in CWP No. 12735 of 2025. It was submitted at the outset that petitioners having participated in the tender process cannot turn around on being unsuccessful to label the qualification

criteria to be onerous or directory or not applicable as such. It was submitted that work tender in question is a 100% Central Government sponsored project i.e., CENTRAL ROAD INFRASTRUCTURE FUND (CRIF) PROJECT in the border belt having a length of more than 45 kms on *Dhusi Band* and is critical to movement of the Army and its weapons. Government of India Circular dated 21.10.2011, Annexure R-5 mandates the use of Batch Type Hot Mix Plant w.e.f., 01.04.2013. Therefore, condition of requirement of Batch Type Hot Mix Plant has to be complied with strictly. Learned counsel for respondents vehemently argued that none of the petitioners fulfilled the terms and conditions of the tender document due to which their technical bids were rejected. Learned counsel for State submitted that petitioners have not revealed all material facts and have tried to conceal the same. Technical bids of all participating bidders including petitioners were meticulously examined in view of the tender requirements and eligibility criteria stipulated in the SBD.

7. Learned counsel for respondent-State submitted that after opening technical bids on 21.03.2024, Bid Evaluation Committee with a view to provide fair opportunity to all participating bidders, through respondent No.4 issued letters dated 24.03.2025 and 04.04.2025 (attached as Annexure R-1, collectively), calling upon all bidders to clarify their position viz a viz age and ownership requirements of machinery/equipment set out in Annexure A to Clause 4.5.5 of SBD. This was done in compliance of Clause 23.4 of SBD. No response was received from any of the seven bidders to communication dated 24.03.2025. However, respondents No.6 and 7 responded to letter dated 04.04.2025 along with another agency vide communications dated 07.04.2025. After sufficiently awaiting for response from other bidders regarding the ownership and age requirement of the key

and critical machinery/equipment, Bid Evaluation Committee processed technical bids of all participating bidders including those of all the petitioners.

8. It was submitted that petitioner in CWP No. 12735 of 2025 in order to make out a false case and mislead the Court has made a factually incorrect and false statement by claiming to own two Batch Type Hot Mix Plants. Bills annexed with the writ petition pertain to only one unit of Batch Type Hot Mix Plant because the bill annexed at page 189 of said writ petition is a Tax Invoice issued by the seller and bill attached at page 190 of the writ petition is a digital copy of the same GST invoice pertaining to the same plant. Moreover, in the list of equipment submitted by petitioner with its technical bid, it has appended ownership of only one unit of Batch Type Hot Mix Plant (Annexure R-3). Furthermore, agreement of purchase dated 17.03.2021 of the one plant which is with the petitioner reveals that it is of the year 2011 i.e., 14 years old. Said petitioner also did not reveal allotment of the work of '*construction of Manali-Sarchu-Leh road to NHDL specification from design chainage km. 244.00 to km 268.670 on NH-03 (Taken Manali as Km.0.00)*', which was allotted to it and respondent No.6 as joint venture partners. This work was duly declared by respondent No.6 in its technical bid but not by petitioner.

9. Learned counsel for respondent-State asserted that condition pertaining to ownership of two units of Batch Type Hot Mix Plant is of paramount importance and no relaxation can be permitted as it would lead to chaos and disorder. Department in the past was faced with such situations where the same Batch Type Hot Mix Plant is leased out by certain agencies working on different contracts at the same time leading to availability issues and ultimately causing delay and milestone management issues of the

project. The same were used as an excuse by agencies to then claim extensions. In respect to allotment of work to petitioner i.e., M/s Jagson Construction Private Limited, petitioners cannot avail of any benefit thereof as first and foremost the work of *'Improvement of Gehri Mandi Jambowal Dehriwal Mehsampur Mehta road in District Amritsar with 5 years maintenance 1 year defect liability period and 4 year maintenance period'* is a State project with the SBD having different terms and conditions with a total cost of Rs.17.06 crore, whereas in the present work the bitumen work component is about Rs.24 Crores of the entire work. Respondents have followed a uniform criteria applied to all the bidders consistently and there has been no relaxation of the eligibility criteria for any of them.

10. Learned counsel for respondents No.6 and 7 have also opposed the writ petitions. It was reiterated that complete facts have not been revealed. Moreover, reference to earlier work allotted to M/s Sharma Contractor Private Limited and M/s Jagson Constructions Limited cannot be of any avail to the petitioners as they are not comparable. It was thus prayed that all the writ petitions be dismissed.

11. We heard learned counsel for the parties at length and have carefully perused the files with their able assistance.

12. Issuance of Tender No. 69 in respect of the work *"Construction of new road on Dhusi band traverse along with the river Ravi from Ghonewal, Ramdas Road to Gulgarh, District Amritsar in the State of Punjab"* and submission of tenders by the present petitioners along with others is a matter of record as is the rejection of technical bids submitted by all three petitioners on 30.04.2025. Details of the reasons for rejection have been detailed in para 3 above. Main ground of rejection in all the matters was non-availability of two Batch Type Hot Mix Plants with the petitioners.

Before proceeding further, it is relevant to refer to some of the terms and conditions of the bid document. As per **Clause 4.3**, all the bidders are under a mandate to include in their bids *inter alia* the following:-

- “(c) experience in works of a similar nature and size for each of the last five years, and details of works underway or contractually committed: and clients who may be contacted for further information or on those contracts;
- “(d) major items of construction equipment proposed to carry out the Contract:”

13. **Clause 4.5** lays down the qualification criteria and **Clause 4.5.1** reads as under:-

“**4.5.1** Qualification will be based on Applicant's meeting on the following minimum pass / fail criteria regarding the Applicant's general and particular experience, personnel and equipment capabilities, and financial position, as demonstrated by the Applicant's responses in the forms attached to the Letter of Application (specified requirements for joint ventures are given under para 4.8 below). Subcontractors' experience and resources shall not be taken into account in determining the Applicant's compliance with the qualifying criteria.

To qualify for more than one contract, the applicant must demonstrate having experience and resources sufficient to meet the aggregate of the qualification criteria for each contract given in paragraphs 4.5.4, 4.5.5, 4.5.6 and 4.6 below:”

14. **Clause 4.5.5** pertaining to equipment capabilities reads as under:-

“The Applicant must own ownership to the following key items of equipment, in full working order, and must demonstrate that, based on known commitments; they will be available for use in the proposed contract.

S.No.	Equipment Type and characteristics	Minimum number required
(1)		
(2)		
(3)		
(Suggested lists is given in		

Annexure-II	
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15. **Clause 23** provides for bid opening and evaluation. **Clause 23.4** reads as under:-

- “(i) Subject to confirmation of the bid security by the issuing Bank, the bids accompanied with valid bid security will be taken up for evaluation with respect to the Qualification Information and other information furnished in Part-1 of the bid pursuant to Clause 12.1.
- (ii) After receipt of confirmation of the bid security, the bidder will be asked in writing (usually within 10 days of opening of the Technical Bid) to clarify or modify his technical bid, if necessary, with respect to any rectifiable defects.
- (iii) The bidders will respond in not more than 7 days of issue of the clarification letter, which will also indicate the date, time and venue of opening of the Financial Bid (usually on the 21st day of opening of the Technical Bid).
- (iv) Immediately (usually within 3 or 4 days), on receipt of these clarifications the Evaluation Committee will finalize the list of responsive bidders whose financial bids are eligible for consideration.”

16. It is also relevant to reproduce **Clause 26** which provides for examination of bids and determination of responsiveness. The same reads as under:-

“**26.1.** During the detailed evaluation of "Technical Bids", the Employer will determine whether each Bid (a) meets the eligibility criteria defined in Clause 3 and 4; (b) has been properly signed; (c) is accompanied by the required securities and; (d) is substantially responsive to the requirements of the Bidding documents. During the detailed evaluation of the "Financial Bid", the responsiveness of the bids will be further determined with respect to the remaining bid conditions, i.e., priced bill of quantities, technical specifications, and drawings.

26.2. A substantially responsive "Financial Bid" is one which conforms to all the terms, conditions, and specifications of the Bidding documents, without material deviation or reservation. A material deviation or reservation is one (a) which affects in any substantial way the scope, quality, or performance of the Works; (b) which limits in any substantial way, inconsistent with the Bidding documents, the Employer's rights or the Bidder's obligations under the Contract; or (c) whose rectification would affect unfairly the competitive position of other Bidders presenting substantially responsive Bids.

26.3. If a "Financial Bid" is not substantially responsive, it will be rejected by the Employer, and may not subsequently be made responsive by correction or withdrawal of the non-conforming deviation or reservation."

17. It is the specific case of respondents that none of the petitioners responded to communications dated 24.03.2025 and 04.04.2025 and thus they chose to forego their rights conferred under Clause 23.4(iii) of the SBD.

18. All the petitioners were found to be owners of only one Batch Type Hot Mix Plant. Petitioner in CWP No. 12735 of 2025 in the list of equipment provided by it along with its technical bid, clearly stated that it owned one Hot Mix Plant. Bills attached with the writ petition indeed seem pertain to only one unit of Batch Type Hot Mix Plant. We find merit in the averments in this regard in para 4 of the short reply filed on behalf of respondents No. 1 to 5 in this respect. Petitioner appears to have enclosed two versions of the same bill relating to one plant. Though learned counsel for petitioner in CWP No. 12735 of 2025 tried to impress that bills for two of the Batch Type Hot Mix Plants were appended, it is to be noticed that this aspect has been duly and correctly considered by the respondent. Moreover, disputed questions of fact are not to be delved upon in present proceedings.

19. It is pertinent to note that as per specific requirement in terms and conditions of tender, age of the plant in question is specified to be a maximum of 05 years. The reason for this condition is suitably explained by the respondents i.e., for the strength and sustainability of the road to be used for the movement of the Armed Forces. Furthermore, such grounds challenging the eligibility criteria being illogical or not having a nexus with the purpose to be achieved cannot be allowed to be raised at such subsequent stage by petitioners after having participated in the tender process and being unsuccessful therein.

20. It is also to be noted that there was no occasion for said petitioner to have not revealed allotment of work of construction of Manali-Sarchu-Leh road to NHDL specification from design chainage km. 244.00 to km 268.670 on NH-03 (Taken Manali as Km.0.00) to said petitioners and respondent No.6 as joint venture partners. The same had admittedly been mentioned by respondent No.6 in its technical bid. Moreover, advisory dated 04.12.2024, Annexure P-5, issued by Chief Executive Officer District Disaster Management Authority, Leh to the effect that the route NH-03 i.e., Leh to Manali may be closed officially on 07.12.2024 does not in any manner indicate that the work was closed or there was stoppage of work justifying non-disclosure of the same.

21. It is a settled position that Courts should be extremely circumspect in interfering in tender matters. Court cannot don the mantle of experts and substitute its own view in matters which require specific expertise. Interference can be caused only if there is apparent arbitrariness or patent illegality in the action of respondents or there is capricious exercise of power. Gainful reference at this stage can be made to judgment of Hon'ble the Supreme Court in **The Principal Chief Conservator of Forest & Ors.**

Versus Suresh Mathew & Ors. 2025 AIR Supreme Court 2118, wherein earlier judgments of Hon'ble the Supreme Court in **Tata Cellular v. Union of India (1994) 6 SCC 651**, **M/s Michigan Rubber (I) Ltd. v. State of Karnataka, (2012) 8 SCC 21**, **Jagdish Mandal v. State of Orissa, (2007) 14 SCC 517** and **State of Orissa v. Harinarayan Jaiswal AIR 1972 SC 1816** have been reiterated and it was held as under:-

“16. The question of scope of judicial review in the cases of award of contracts has already been dealt with by the Hon'ble Supreme Court in the case of **Jagdish Mandal v. State of Orissa and others (2007) 14 SCC 517** wherein the Court observed as under:

"22. Judicial review of administrative action is intended to prevent arbitrariness, irrationality, unreasonableness, bias and mala fides. Its purpose is to check whether choice or decision is made "lawfully" and not to check whether choice or decision is "sound". When the power of judicial review is invoked in matters relating to tenders or award of contracts, certain special features should be borne in mind. A contract is a commercial transaction. Evaluating tenders and awarding contracts are essentially commercial functions. Principles of equity and natural justice stay at a distance. If the decision relating to award of contract is bonafide and is in public interest, courts will not, in exercise of power of judicial review, interfere even if a procedural aberration or error in assessment or prejudice to a tenderer, is made out. The power of judicial review will not be permitted to be invoked to protect private interest at the cost of public interest or to decide contractual disputes. The tenderer or contractor with a grievance can always seek damages in a civil court. Attempts by unsuccessful tenderers with imaginary grievances, wounded pride and business rivalry, to make mountains out of molehills of some technical/procedural violation or some prejudice to self, and persuade courts to

interfere by exercising power of judicial review, should be resisted. Such interferences, either interim or final, may hold up public works for years, or delay relief and succour to thousands and millions and may increase the project cost manifold. 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.

(ii) Whether public interest is affected. If the answers are in the negative, there should be no interference under Article 226. Cases involving blacklisting or imposition of penal consequences on a tenderer/contractor or distribution of State largesse (allotment of sites/shops, grant of licenses, dealerships and franchises) stand on a different footing as they may require a higher degree of fairness in action."

We are of the opinion that the High Court has committed a gross error while observing the facts in the case of Jagdish Mandal (supra) were entirely different in regard to a defective tender submitted by a participant.

17. In the case of **State of Orissa and others v. Harinarayan Jaiswal and others AIR 1972 SC 1816**, in relation to excise revenue, the Supreme Court observed as under:

"13. ... The Government is the guardian of the finances of the State. It is expected to protect the financial interest of the State. Hence quite naturally, the Legislature has empowered the Government to see that there is no leakage in its revenue. It is for the Government to decide

whether the price offered in an auction sale is adequate. While accepting or rejecting a bid, it is merely performing an executive function. The correctness of its conclusion is not open to judicial review. We fail to see how the plea of contravention of Article 19 (1) (g) and Article 14 can arise in these cases..."

18. The law regarding government contracts or auctions and the nature and scope of its judicial review is well settled. In the case of **M/s Michigan Rubber (I) Ltd. v. State of Karnataka and ors. (2012) 8 SCC 216**, the Supreme Court observed 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;

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.