



**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - C No. - 4148 of 2026**

M/S Associated Jute Industries Thru. Its Partner  
Shri Aditya Agarwal And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. / Prin. Secy.  
Deptt. Of Agri. Lko And 2 Others

.....Respondent(s)

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Counsel for Petitioner(s)	: Prashast Puri, Madhur Jhavar
Counsel for Respondent(s)	: C.S.C., V.P. Nag

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**Court No. - 3**

**HON'BLE SHEKHAR B. SARAF, J.**

**HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Short counter affidavit filed on behalf of respondent nos. 2 and 3 in the Court is taken on record.

2. We have heard Shri Gaurav Mehrotra, learned Senior Advocate, assisted by Shri Madhur Jhavar, Mr. Prashast Puri and Varun Singh appearing for and on behalf of the petitioners, Shri V.P. Nag learned counsel appearing for and on behalf of respondent nos. 2 and 3 as well as learned Standing Counsel appearing for on behalf of respondent no. 1-State and perused the record, including the short counter affidavit filed today.

3 The present petition seeks to lay a challenge to the tender process issued by the respondent- Uttar Pradesh Beej Vikas Nigam Limited on the GEM Portal for supply of High Density (Anti-Skid) Poly Ethylene (HDPE) Sack (Non Laminated) Woven Bags On Circular Loom for different capacities (hereinafter referred to as "HDPE Bags").

4. It has been submitted by the learned Senior Counsel appearing on behalf of the petitioners that being an eligible and qualified bidder as per the technical specification floated by the respondents in the notice inviting tender, the petitioners submitted the bid along with all the requisite documents, including the purchase orders, certificate etc. He further submits that the petitioners had specifically provided certificate dated

17.03.2026 issued by the National Seed Corporation Limited (hereinafter referred to as the "NSCL") specifying that the petitioners had successfully completed supply of HDPE Bags in three of their purchase orders dated 10.11.2025, 15.03.2024 and 04.08.2023 which were separately and individually more than 20% of the total supply as required under the tender. According to him, the specification pertaining to HDPE Bags of the fabric being a single piece as per IS-6192-1971 as has been required under the present tender, is identical to the purchase order successfully completed by the petitioners for NSCL.

5. The learned Senior Advocate has strenuously taken this Court through the various purchase orders and the certificate issued by the NSCL to propagate that although the petitioners had the experience of supplying similar HDPE Bags as per the technical specification of the present tender, however, in the most irrational and illegal manner the bid of the petitioners has been disqualified on 15.04.2026 for the alleged reason that "the firm did not upload purchase order and successful Completion Certificate for HDPE Bags as required in the tender specification."

6. The learned Senior Advocate has also submitted that the entire process of providing opportunity of representation against the said 'disqualification' dated 15.04.2026 was an empty formality as the request made in the representation dated 16.04.2026 sent by the petitioners along with all the purchase orders and certificate etc., met with the same fate of 'disqualification' vide order dated 18.04.2026 on the same very ground. According to him, the entire tender process seems to be mala fide to favour a single particular party and that the entire bidding process has been stage-managed, as is apparent from the tearing hurry in opening the financial bid and conducting reverse order on 19.04.2026 (Sunday) and declaring L-1 on 20.04.2026. Thus, he has submitted of not providing an equal level playing field to the petitioners and discrimination and, as such, has relied on the judgments reported in *(2007) 8 SCC 1 (Reliance Energy Vs. Maharashtra State Road Development Corporation Limited)* and *(2024) 10 SCC 273 (Banshidhar Construction Private Limited Vs. Bharat Coking Coal Limited and others)*.

7. On the other hand, Mr. V.P. Nag learned counsel appearing on behalf

of the respondent nos. 2 and 3 has vehemently opposed the petition and submitted that the tender process has been finalized as per the procedure and L-1 have already been declared for supply of material on 20.04.2026 and as such at this stage, these L-1 are also affected parties and should be heard in the present petition. He has supported the disqualification of the petitioners on 15.04.2026 and 18.04.2026 and repeated the reason of said 'disqualification'. According to him, the petitioners' firm did not upload purchase orders for supply of HDPE Bags along with technical bids while they had uploaded contracts relating to supply of polypropylene (PP) bags and out of three such uploaded documents, one is in regard to supply of "PP Bags Anti Skid" and other two were in regard to supply of "PP- Plain Bags" and, as such, according to him, the petitioners were not eligible. He has also disputed the certificate issued by the NSCL and submitted that it did not mention supply of HDPE Bags and as such the petitioners were rightly disqualified.

8. Having heard learned counsel for the parties, we have examined not only the certificate issued by the NSCL but also each and every purchase orders and the bid documents floated by the NSCL.

9. Upon a perusal of the above documents, it appears that the supply made by the petitioners to the NSCL was precisely of HDPE Bags and the rejection of the petitioners' bid on the ground that the firm did not upload the purchase order successfully in completion certificate for HDPE Bags as required in the tender specification is without any basis in law and facts. No doubt, a certain amount of discretion and flexibility has been provided to the tendering authority, but time and again it has been held by this Court that these discretions are not unfettered and certainly not beyond the scope of judicial review by this Court.

10. *Prima facie*, we are of the view that disqualification of the petitioners on the ground that the petitioners did not provide sufficient documents to indicate supply in the last three years of HDPE Bags is not justified and appears to be arbitrary and actuated by mala fide. The basis on which the petitioners have been disqualified and the justification given in the short counter affidavit also upon the face of it is incorrect.

11. In light of the same, we are of the view that the entire decision making process of technical evaluation of petitioner is vitiated and tainted with bias and unfairness. The process of disqualification adopted by the respondent-authorities is illegal, arbitrary and against the principles established in law. Normally, this Court does not intervene in issues relating to technical qualification with regard to tender bids, however, it is clear from the documents annexed to the writ petition that the petitioners had provided all the relevant documents and in spite of the same the petitioners were technically disqualified. The said illegal decision stares at the face of this Court, as the said decision making process of the authority appears to be discriminatory and amounts to not providing equal level of playing field to the petitioners as enshrined under Articles 14 and 19(1) (g) of our Constitution. This Court is of the considered view that fair treatment is the corner stone in awarding of any Government contract.

12. As far as the contention of respondent nos. 2 and 3 that L-1 has been declared, this Court does not find any impediment in not exercising its discretion at this stage, as the law is clear in view of the law laid down by the Hon'ble Supreme Court reported in *(2017) 4 SCC 243 (Haryana Urban Dev. Authority and others Vs Orchid Infrastructure Developers Private Limited)* that the L-1 has no vested right to have the contract concluded in his favour.

13. Accordingly, we stay the entire tender process, and in the event parties have been selected in the financial evaluation, no contract shall be entered into by the respondent-authorities with such parties that have been chosen, till the next date of listing.

14. The respondent-authorities have indicated that M/s Bindan Packs Private Limited and M/s K.L. Jute Products Private Limited have been declared as 'L-1' for bags of different sizes. In light of the same, notice may be given to them by the petitioners and they may be added as party to the present petition.

15. Counsel appearing for the respondent-authorities are further directed to take specific instructions as to whether the respondent-authorities can include the petitioners at this stage and carry out a fresh financial

evaluation and/or reverse the order passed as provided under the tender.

16. Let counter affidavit be filed by the respondents within two weeks. Rejoinder affidavit, if any, may be filed within one week thereafter.

17. List the matter on 14.05.2026.

18. In the event the respondent-authorities are willing to continue with the present tender bid by including the petitioners with the financial evaluation, the matter may be mentioned before this Court for passing further orders.

**(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)**

**April 22, 2026**

MVS/-