

Government of Jammu and Kashmir
Office of the Principal/Dean
Government Medical College, Srinagar
(Legal Section)

In the matter of: **Consideration order in case of WP (C) No 170/2025 M/S Royal Guest House and Anr Vs UT of J&K and ors.**

Order No :- 012 of 2025

Dated : 15/05/2025.

1. Whereas, the petitioner through the medium of the present writ petition is seeking the following reliefs:
 - i. **Writ of Certiorari**, quashing the NIT No. NIT/e - Diet/ 28 of 2024 dated 15-01-2025, issued by the respondent No.3, as the same being, illegal, bad in law and in violation of the orders passed by this Hon'ble Court
 - ii. **Writ of Mandamus**, thereby commanding upon the respondents, not to give any effect to the impugned NIT, till the instant writ petition, as also the earlier writ petitions pending adjudication before this Hon'ble Court, are finally adjudicated by this Hon'ble Court.
 - iii. **Writ of Mandamus**, thereby commanding upon the respondents, to issue a corrigendum with respect to the exclusion of the petty contractors, from the impugned NIT, as also the NITS challenged before this Hon'ble Court, particularly when the tender cost exceeds Rs. 12,00,000/- (Twelve Lakhs).
 - iv. Any other writ, order, or direction, which this Hon'ble Court may deem proper, in the circumstances of the present case, may also be issued in favour of the petitioners and against the respondents.
2. Whereas, the Hon'ble Court was pleased to pass an order dated 23.01.2025. The Operative portion of the order is reproduced as under:

"Meanwhile, the respondents shall accord consideration to the representation stated to have been file by the petitioner."
3. Whereas, the petitioner is misleading and misinterpreting the Hon'ble High Court and has filed a writ petition earlier bearing WP (C) No. 1354 of 2022 before the Hon'ble High Court at Srinagar which is pending adjudication and the petitioner has agitated the same cause and is seeking the same benefit which he is seeking through the another earlier writ petition bearing WP (C) No. 55/2022 with the result the petitioner is wasting the precious time of this Hon'ble High Court and the Official Respondents as well and is dragging the Respondents in a false and frivolous litigation which causes impediment in rendering patient care services in the Associated Hospitals of GMC Srinagar.
4. Whereas, it is respectfully submitted that, the same petitioner has earlier challenged the earlier tender notice No. 67 of 2021 dated:-11-11-2021 and e tender notice No. 11 of 2022 through WP (C) No. 55 of 2022 and WP (C) No. 1354/2022 respectively which are pending adjudication before the Hon'ble High Court at Srinagar and the petitioner has got stayed the E-tender notice No. 67 of 2021 dated:-11-11-2021 vide order dated 14-01-2022 and tender notice No. 11 of 2022

dated: 22-06-222 via order dated:23-06-2022 the Answering Respondents have already filed the detailed objections/parawise reply in both these petitions along with vacation application against the interim order dated:-14-01-2022 which is placed on record before the Hon'ble High Court of Jammu and Kashmir & Ladakh at Srinagar.

5. Whereas, impugned e-tender notice No. 67 of 2021 dated:-11-11-2021 and e-tender notice No. 11 of 2022 dated:-18-06-2022 does not suffer from any legal infirmity at all so much that they were issued by the competent authority with complete application of mind to the facts and circumstances of the case and also keeping in view all the parameters related to the subject matter.
6. Whereas, it is pertinent to mention here that this office has already mentioned in the NIT notice that NIT is invited from registered agencies/firms under FSSAI norms which itself reflects all the terms & conditions that comes under the ambit of FSSAI and a clause of experience certificate for such assignment with Government/Semi-government has already been put in the NIT which one can only acquire after providing satisfactory services. So there is no fun of planting a clause of turnover in Lac/crores, besides That would have restricted the NIT for some bidders only and the same shall amount to customized bidding intended to extend benefit to a particular bidder/bidders and it seems it is intentionally being done to hamper tendering process so as to continue to run services which otherwise has already expired long before.
7. Whereas, FSSAI registration license is required for all entities involved in the manufacture, distribution and transportation of food products and food business can be fined as per law Rs. 50 lacs and 6 months jail for not having food license and so far as incorporation of food license in the NIT is for standard quality of food.
8. Whereas, in respect of condition of annual turnover above Rs. 12/- lacs is concerned and incorporating the said condition in the NIT shall debar the prospective bidders from participating in the E-tendering process and the same shall amount to customized bidding intended to extend benefit to a particular bidder.
9. Whereas, at the outset of the previous meetings held to discuss regarding, attended esteemed members showed their grave concern over the dropping level of services adopted by health institutions in their respective hospitals that can sometimes lead to public outcry in general and their unnecessarily long continuity services despite expiry of their respective rate contracts makes authorities speechless before financial audits conducted by various enforcement agencies from time to time . Further countless objections raised during audits / public grievances / RTI's are still unsolved as far as implementation of new approved sources are concerned.
10. Whereas, keeping in view the above facts , when fresh Tenders were called by this office in order to get quality services that too on competitive rates , Court Directions / Illogical Legal Notices in one or other context ,filed by existing executing firms were received which makes authorities helpless and halted the whole process.
11. Whereas, the Hon'ble court was please to pass an order dated: 03-01-2025 in WP(C) 1354/2022 c/w WP(C) 55/2022, thereby allowing the department to take forward the process of scrutinization of tenders, the operative part of the order reads as under:

"It is further made clear that respondents shall be at liberty to take forward the process of scrutinization of tenders but they shall not finalize the same. Order dated 14-01-2022 passed in WP(C) 55/2022 shall stand modified to the aforesaid extent."

12. Whereas, in view of the aforementioned orders passed by the Hon'ble court, the department initiated the fresh tendering process and published NIT vide e Tender No :- 28 OF 2024. Tender ID :- 2025_HME_270294_1. and a Committee was constituted to evaluate the bids technically vide order No : RCC/GMCS/Meeting /1390-99 Dt :- 13-02-2025. It is necessary to mention here that a total of eight (8) firms have participated, however the petitioner has not participated in the tendering process and the process of scrutinization is at final technical evaluation stage.

13. Whereas, all the terms and conditions have been mentioned in the E-tender notice No.28 of 2024 which are **pre-requisite and mandatory under the food safety standard (licensing and registration of food business) Regulation Act,2011** are concerned and accordingly following check list/ documents are required for participating in the aforementioned NIT for the tenders that is under:-

Tender Fee of Rs. 750

Tender EMD/CDR of Rs.2 Lacs

Valid Registration Certificate with Labour Department

Copy of Pan Card with latest ITR.

Valid Certificate from D&FCO for FSSAI.

No objection and satisfactory performance report if working/worked with the department from competent authority.

Experience certificate for such assignment with Government/Semi Government Department if any.

Latest GST with clearance certificate.

Letter of Acceptance/Undertaking.

Non-blacklisting declaration duly attested by Judicial Magistrate.

Now in view of above facts and legal position quoted above and in compliance of the Hon'ble High Court order dated: 23.01.2025 in WP (C) No 170/2025 titled **M/S Royal Guest House and Anr Vs UT of J&K and ors**, the claim of the petitioner having been considered/examined and found devoid of merit and is rejected.


Principal/Dean

Govt. Medical college

Srinagar.

No: Legal/MC/Sgr/68-71

Dated: 15/05/2025

Copy to the:

1. Secretary to Govt. Health and Medical Education Deptt. Civil Secretariat.
2. Adv, Waseem Gul Govt. Advocate
3. IT Section for uploading on official website