Serial No. 144
Supplementary List-1

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 3273/2026
CM No. 7281/2026

M/s Mohammad Sultan & Brothers Th. Its partner Abdul Wahid .....Petitioner

Through: Mr. Rohit Kohli, Sr. Advocate with
Mr. Manik Bhardwaj, Advocate

Vs

Union of India & Ors.

.....Respondents

Through: Mr. Vishal Sharma, (Sr. Adv.) DSGI
with Mr. Karan Sharma, CGSC

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(13.10.2026)

01. Tracing back its origin as a firm to a **principal Partnership Deed dated 15.04.2006** last reconstituted in terms of a **Supplementary Partnership Deed dated 29.11.2025, M/s Mohammad Sultan & Brothers** which is the petitioner herein, being in business as a contractor, comes forward with present writ petition aggrieved of being caught in a Catch-22 situation.

02. The petitioner was an enlisted Firm/Concern with Military Engineering Services (MES) right from the year 2011 all along till its enlistment which lasted up to **31.12.2025** and for seeking renewal of which the petitioner is said to have made timely application to the authorities concerned but for the reasons best known to

them no consideration till date came to be accorded to this request for renewal of the petitioner's enlistment wherein on other hand **impugned order No. 42590/S-67/82/E8 dated 05.01.2026** came to be passed declaring removal of the petitioner from approved list of contactors.

03. With respect to said **Order No. 42590/S-67/82/E8 dated 05.01.2026** so passed by the Chief Engineer, Northern Command (Headquarters), PIN 914698 C/o 56 APO, the petitioner was provided an opportunity of appeal to the appellate authority of Engineer-in-Chief, Military Engineering Services, which right petitioner came to encash by submitting an appeal which is also said to be pending consideration from January, 2026 onwards in which connection, in June, 2026 the petitioner was called upon to furnish the information as set out in **Communication No. 42590/S-67/87/E8 dated 25.06.2026** which petitioner came to submit but despite that no formal outcome of the petitioner's appeal has come forth from the appellate authority. The petitioner is finding opportunity of tendering for contract works of MES getting lost on account of its status as contractor removed from enlistment.

04. Issue notice to the respondents in the main petition and in the **CM No. 7281/2026** as well.

05. Mr. Karan Sharma, learned CGSC appearing with Mr. Vishal Sharma, learned DSGI, accepts notice on behalf of the respondents.

06. Reply to the writ petition as well as to the **CM No. 7281/2026** be filed.

07. List on **20.11.2026.**

08. In the meantime, the petitioner's right to participate in *Tender Reference No. 180135/E8; Tender ID No. 2026_MES_766346_2 with Title/Work Description "PROVN OF OR LINE WITH CHS AT KHALSAR UNDER GE 873 EWS" dated 27.08.2026* **be not prejudiced** by its non-renewal of enlistment and the **petitioner be allowed to submit its bid** by deeming the petitioner's status to be that of enlisted contractor. This direction is only meant for the particular **aforementioned tender**.

09. This direction is, however, subject to objections from the other side.

(RAHUL BHARTI)
JUDGE

JAMMU
13.10.2026
SUNIL

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते