

MUNICIPAL CORPORATION SHIMLA

No.MCS/COMM/XEN/RB/2026-2136

Dated: 5/6/2026

ORDER

WHEREAS, Sh. Shubham Vij, S/O Sh. Naresh Vij, R/O Kamla Niwas near BSNL Exchange, Chhotta Shimla, Shimla filed a CWP No.8184 of 2026 before the Hon'ble High Court of Himachal Pradesh, seeking, inter alia, the quashing of Corrigendum dated 29.04.2026, whereby, e-tender notice No.MCS/EE/ RB/2026-773 dated 01.04.2026 for resurfacing works was cancelled and no tenders were entertained by the Department in response to the said notice.

AND WHEREAS, the Hon'ble High Court, vide order dated 21.05.2026 in CWP No.8184 of 2026 (Shubham Vij vs. Municipal Corporation Shimla & Others), was pleased to dispose of the petition with the following operative directions:

"Counsel for the petitioner submits that the petitioner had qualified the technical bid and there was no valid reason not to open the financial bids. It is submitted that the impugned order is non-speaking, and therefore, the petitioner had filed representation dated 04.05.2026 (Annexure P-5) asking for the reasons for cancellation of the tender.

Keeping in view the above, we are of the considered opinion that since the order passed by the authorities does not depict any reasons and can be termed as a non-speaking order, the same would be open to judicial review on grounds of arbitrariness. Resultantly, we are of the considered opinion that since the decision making is still to be done on the representation, we dispose of the present writ petition with directions to the competent authority to take decision qua the said representation by passing a speaking order within a period of two weeks from the date of receipt of the certified copy of the judgment. It is also made clear that in case any adverse order is passed against the petitioner, then his remedy is not to be foreclosed by the present litigation."

AND WHEREAS, the representation submitted by the applicant was examined, wherein the applicant requested:

- (i) Disclosure of complete reasons and basis for cancellation of the tender dated 01.04.2026;

- (ii) Access to relevant records, including file notings and the decision-making process leading to Corrigendum dated 29.04.2026;
- (iii) Reconsideration of the cancellation decision in the interests of fairness, transparency, and public accountability;
- (iv) That no fresh tender process be initiated until the present representation was duly considered and decided by a reasoned speaking order.

**AND WHEREAS**, Municipal Corporation Shimla had initially invited e-tenders for 11 resurfacing works vide e-procurement notice No.MCS/EE/RB/2026-773 dated 01.04.2026 and received four bids for each work. Subsequently, all e-tenders were cancelled vide Corrigendum dated 29.04.2026. It is pertinent to note that in previous years, the Corporation faced considerable challenges in executing resurfacing works within the prescribed tarring season (April-June), which is essential for ensuring proper laying, bonding, strengthening, and durability of the road surface. Delays often resulted in rescinding works and re-inviting tenders, adversely impacting public convenience, road safety, and project timelines.

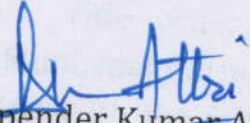
In view of these recurring issues, and to protect public interest, ensure timely completion of works, and uphold transparency and accountability in the tendering process, the Corporation deemed it necessary to revise certain terms and conditions of the e-procurement notices. Accordingly, all resurfacing works initially invited vide e-procurement Notice No.MCS/EE/RB/2026-773 dated 01.04.2026 were cancelled prior to the finalization/award of contracts. Revised tender documents, incorporating an additional Sub-Clause (xxii) under General Conditions, were issued to ensure timely and effective execution as per prescribed specifications and departmental requirements.

Thereafter, fresh tenders for resurfacing works were invited vide e-procurement Notice No.MCS/EE/RB/25-2026-1000 dated 29.04.2026. Three bids were received for each work. Financial bids were opened on 14.05.2026, and works were awarded to L-1 contractors on 19.05.2026 and 20.05.2026, after completing all codal formalities. The awarded works are currently under execution and are nearing completion within the ongoing tarring season.

Municipal Corporation Shimla reserves the right to modify, extend, or cancel tenders without assigning any reason, as per the terms of the e-procurement notice. Such actions are undertaken in the larger public interest.

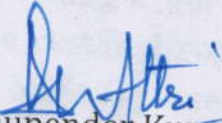
It is observed that the cancellation of the previous tenders was done strictly in accordance with the stipulated terms and conditions, and was neither arbitrary nor inconsistent with established principles of public procurement, maintaining transparency and accountability at all stages. The initiation of the fresh tender process was fair, transparent, and lawful, and was open to all eligible contractors. The allegations to the contrary are unfounded and do not reflect the actual facts. Hence, the representation cannot be accepted for the reasons explained above.

Accordingly, the representation is disposed of in terms of reasons stated above.

  
(Bhupender Kumar Attri)  
Commissioner,  
Municipal Corporation,  
Shimla

Copy to: -

1. The Principal Secretary (UD) to the Govt. of H.P. Shimla-2 for information please.
2. The Director, Urban Development, H.P. Shimla-2 for information please.
3. The Legal Advisor-cum-Law Officer, M.C. Shimla for information and necessary action.
4. Sh. Shubham Vij, S/O Sh. Naresh Vij, R/O Kamla Niwas near BSNL Exchange, Chhotta Shimla, Shimla (vijshubham6@gmail.com) for information.

  
(Bhupender Kumar Attri)  
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