

HIGH COURT OF AZAD JAMMU AND KASHMIR

Writ petition No. 2436/2026

Date of institution 09.10.2026

Date of decision 14.10.2026

Azeem Medical Hall Ambore Muzaffarabad through
Muhammad Asad Qureshi (Proprietor) Muzaffarabad.

... Petitioner

VERSUS

1. Executive Director Abbas Institute of Medical Science (AIMS) Muzaffarabad;
2. Joint Executive Director Abbas Institute of Medical Science (AIMS) Muzaffarabad;
3. Purchase Committee through its Chairman AIMS Muzaffarabad;
4. Secretary Purchase Committee for year 2026-27 AIMS Muzaffarabad.

...Real Respondents

5. Ali Khilji enterprises through Sharat Ali Khilji CMH Road Muzaffarabad.

... Proforma Respondent

WRIT PETITION

CORAM:— JUSTICE SYED SHAHID BAHAR, J.

ASSISTANCE:

Ch. Shoukat Aziz, Advocate for the petitioner.

Syed Wasif Ali Gardezi, Legal Advisor for Health Department.

RESEARCH ASSISTANCE:

Mr. Shakeel Ahmed Khan Research & Reference Officer and

Mr. Arbab Younas Research Officer

JUDGMENT:-

This petition is filed under Article 44 of the Azad Jammu & Kashmir Interim Constitution, 1974, whereby following relief is solicited by the petitioners.

“It is therefore, humbly prayed on behalf of the petitioner by accepting the instant writ petition the non-petitioners may kindly be directed to open the bids already submitted in pursuance

of tender notice No. A.K 61N/9/2026 dated 17.09.2026 on 05.10.2026 and the action of non-petitioners not to open the bids may kindly be declared as illegal, unjust without lawful authority as well as corrigendum issued and published through vide No. A.K 61-NB/10/2026 dated 07.10.2026 may kindly be set aside. Any other relief which this Hon'ble Court deems fit and proper may also be granted to meet the ends of justice.

02. The facts of the case are that the petitioner challenged the corrigendum dated 07.10.2026 extending the tender submission date from 05.10.2026 to 12.10.2026 for local purchase of medicines for the financial year 2026-27 at AIMS Muzaffarabad. The petitioner claims to be a licensed druggist, State Subject who purchased tender form after publication in Daily Siasat dated 17.09.2026 and on PPRA/PPRA website. It is alleged that only two bidders including petitioner submitted bids till 11:00 AM. The Department did not open the bid and issued corrigendum and extending the date with the mala fide intention.

03. Para wise comments have been filed on behalf of Health Department wherein it is stated that 09 firms purchased tender form but only two bids were submitted. In order to show wider competition, transparency and to avoid monopoly/ collusion, the purchase committee extended the

time on same day and thereafter issued corrigendum. It has further been mentioned that the petitioner may appear in whole bidding process.

04. Ch. Shoukat Aziz, Advocate appearing on behalf of petitioner argued that once bids are submitted the department has no right to extend date under PEPPRA Rules 2017 and non-opening of bids is illegal and mala-fide. He maintained that the petitioner submitted timely bid and participated in whole proceedings but the authority wrongly extended time. He maintained that the extension of time violated the sanctity of the procurement process, caused prejudice to the petitioner, and was intended to confer and undue advantage upon certain bidders. The learned counsel placed reliance on 2026 SCR 82.

05. While on the other hand, Syed Wasif Ali Gardezi, learned Legal Advisor for Health Department argued that no vested right accrues to petitioner merely by submission of bid no bid was opened, no competitive statement prepared and no work order issued. The extension in time within the powers of Procuring Agency under Rule 27 of the AJK-PPRA Rules 2017 to ensure competition. The learned Legal Advisor further maintained that the Procuring Agency acted strictly within the four corners of law, specifically relying upon Rule 27 of the Public Procurement Rules (PPRA Rules) which

expressly empowers the agency to extend the time limit for bid submission.

06. I have heard the learned counsel for the petitioner as well as learned Legal Advisor for Health Department at length and perused the available record with their valuable assistance.

07. A perusal of record shows that the Executive Director AIMS Muzaffarabad issued a publication in Daily Siasat as Annexure "PB" with the writ petition. The petitioner has attached another order as annexure PB/ attached with the writ petitioner wherein terms and conditions have been prescribed. The petitioner attached corrigendum as Annexure PE/ with the writ petition wherein the date was extended. The petitioner claims that only two bidders submitted bids till 11:00 AM which were to be opened at 11:30AM but the department did not open the bids and issued corrigendum and extending time with mala-fide intention. Para wise comments filed on behalf of official respondents wherein they admitted issuance of tender and submitted that 09 firms purchased tender forms but only 02 firms were submitted the same. It has further been mentioned that in order to ensure wider competition, transparency and to avoid monopoly and law in order in the State extended in time. It is pertinent to mention here that under Rule 27 of AJK Public Procurement

Regulatory Authority (AJK-PPRA), the authority can enlarge and extend time. For better appreciation the relevant Rule *ibid* is reproduced as under:

27. Extension of time for submission of Bids:- Where a Procuring Agency has already prescribed a deadline for the submission of bids and due to any reasons the Procuring Agency finds it necessary to extend such deadline, it shall do so only after recording its reasons in writing and in an equal opportunity manner. Advertisement of such extension in time shall be done in a manner similar to the original advertisement.

08. A plain reading of above reproduced Rule 27 leaves no ambiguity. The rule explicitly authorize the Procuring Agency to extend the deadline for submission of bids prior to the opening of technical/financial proposals, either at its own discretion or upon request from prospective bidders. The primary object of rule 27 is to ensure a broader field of competition and obtained value of Money in public expenditure. It is settled proposition of law that administrative decisions of procuring agencies regarding procedural timelines are governed by reasonable discretion. Unless the petitioner demonstrates clear, concrete evidence of mala fide (bad faith) or tailored favoritism towards a specific bidder, the Court will exercise judicial restraint and refrain from interfering in administrative procurement functions.

09. In the instant case, the extension in time was applied universally across the board. All prospective bidders enjoyed equal opportunity to submit or revise their tenders. Consequently, the petitioner has failed to prove any violation of fundamental rights or statutory provisions. It is also worthwhile to add here that no bid was opened, so no confidentiality was breached and no prejudice is caused to petitioner, as his bid remains sealed and he can also participate in extended process. The contention of mala-fide is not proved by any cogent evidence. Mere allegation of colorful exercise of power is not sufficient. This Court cannot direct the Procuring Agency to restrict competition to only two bidders. Public procurement requires maximum competition to secure best price for public exchequer. Extending date for that purpose is in public interest.

10. The assertion of the petitioner that the non-petitioners were under a strict legal duty to open the submitted bids on 05.10.2026 without extending the deadline is legally unmaintainable. Under **Rule 27 of AJK PPRA** read with Article 44 (writ jurisdiction limits), the procuring agency retains the statutory discretion and procedural flexibility to extend the bid submission date via a validly issued corrigendum. The superior courts have repeatedly held that courts will not substitute their own judgment for administrative discretion in procurement matters unless there

is clear evidence of mala fide or gross violation Matters of public procurement fall squarely within the domain of the procuring authority, which possesses the administrative power to regulate procedural timelines in the public interest')."

11. The Court finds that the issuance of Corrigendum No. A.K 61-NB/10/2026 dated 07.10.2026 directly advances the **Doctrine of Equality before Law and Non-Discrimination** codified under Article 4 and Article 25 of the Constitution. Extending the time limit to allow broader participation ensures a level playing field and prevents the monopolization of public tenders by a select few bidders. 'Public procurement rules are framed to eliminate favoritism and to ensure equal opportunity for all potential market participants'). The petitioner cannot claim a vested right to have bids opened prematurely to the exclusion of competitive market forces.

12. The non-petitioners' action strictly satisfies the **Doctrine of Transparency and Public Notice**. By duly publishing the corrigendum through the same public advertisement channels as the original tender notice No. A.K 61N/9/2026, the procuring authority maintained complete procedural transparency. 'Public notification of modified tender terms or extended deadlines through official media cures any procedural deficiency and fulfills the mandate of public notice'). Transparency demands open public notice rather than secret or restrictive proceedings.

13. The decision to extend the deadline was backed by sound administrative rationale aimed at securing competitive, cost-effective, and quality supplies for a public healthcare institution (AIMS). The **Doctrine of Reasoned Decisions** requires that administrative actions prioritize public exchequer protection over private commercial claims. 'Public interest is the paramount consideration in public procurement, and procedural extensions aimed at fostering wider competition and better public utility terms are fully justified in law')."

14. In the light of the principles laid down by the apex courts and the express statutory mandates governing public procurement, this Court holds that the non-petitioners acted lawfully, transparently, and in good faith in issuing Corrigendum No. A.K 61-NB/10/2026 dated 07.10.2026. The petitioner has failed to demonstrate any accrued legal right or jurisdictional error in the non-petitioners' decision to extend the bid submission deadline.

15. The case referred by the referred by the learned counsel petitioner [2026 SCR 82] is not applicable due to distinguishable facts of the case at hand.

16. Consequently, the prayer sought by the petitioner to declare the non-opening of bids on 05.10.2026 as illegal and to set aside the corrigendum is **devoid of merit**. The instant writ petition is hereby **DISMISSED**, with direction to the non-petitioners to

proceed with the opening and evaluation of bids in accordance with law.

Muzaffarabad.
14.04.2026 (A)

Judge