



# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

Writ Petition (C) ..... No. 1 of 199/ 2003

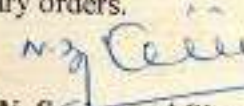
Ugen Tashi Ethenpa

.....Petitioner/Appellant

Versus

State of sikkim & Another

.....Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	07.01.2003	<p>Present : Mr. A. K. Upadhyaya, Advocate for the petitioner.</p> <p>Mr. S. P. Wangdi, Advocate General with Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>-----</p> <p><b><u>C.M.A.No.1/2002</u></b></p> <p>Heard the learned Counsel for the petitioner. Prayer is accepted thus allowing the petitioner to move the main writ petition No.1/2003. Accordingly, misc. case is closed.</p> <p><b><u>W.P.No.1/2003</u></b></p> <p>Heard Mr. A. K. Upadhyaya, learned Counsel for the petitioner.</p> <p>Let usual notice be issued upon the respondents to show cause as to why an appropriate order or other orders should not be passed by this Court. Notice is made returnable on 24.2.2003.</p> <p>Learned Advocate General submits that the petitioner has no locus standi and apart from that, the work has been awarded to the concerned contractors. The learned Advocate General further submits that he will raise a preliminary objection with regard to the maintainability of this writ petition. The matter will be examined on 24.2.2003. State respondents are at liberty to file counter-affidavit if so advised.</p> <p>Fix it on 24.02.2003 for necessary orders.</p> <p> ( N. Surjmani Singh ) Judge 07.01.2003</p>	





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2.	24.02.2003	<p>Present : Mr. A. K. Upadhyaya, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Additional Advocate General assisted by Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>Heard Mr. A. K. Upadhyaya, learned Counsel appearing for the petitioner and also Mr. N. B. Khatiwada, learned Additional Advocate General assisted by Mr. J. B. Pradhan, learned Govt. Advocate appearing for the State respondents.</p> <p>Mr. N. B. Khatiwada, learned Additional Advocate General submits that they <sup>respondents</sup> are going to file counter-affidavit today. It is also submitted by learned Additional Advocate General <sup>of -</sup> <del>submits</del> that the writ petitioner did not plead the correct and real statements pertaining to the award of the contract in his writ petition. Supporting his statement, the learned Additional Advocate General further submits that the award of the contract work for commissioning of powers of station etc., etc., had already been made by the competent authority State respondents <sup>to</sup> and in favour of Sunil Kumar Agarwal; Kailash Agarwal and Shankar Agarwal respectively on 20.12.2002 and, <sup>present</sup> the application was filed by the writ petitioner on 6.2.2003. It is also submitted by the learned Additional Advocate General that, the writ petitioner had suppressed the important and material facts while filing the writ petition and apart from that the writ petition <sup>is</sup> <del>is</del> defeated by delay and laches. At the hearing Mr. A. K. Upadhyaya <sup>12. Counsel</sup> <del>contended</del> that the petitioner desires to amend the writ petition. However, Mr. A. K. Upadhyaya in his usual fairness submitted that the writ petitioner may be allowed to be withdraw the writ petition with liberty to file a fresh petition.</p> <p>In view of the above position, the writ petition is dismissed on withdrawal with liberty to the writ petitioner to file a fresh writ petition in the matter if so advised.</p>	

  
( N. Surjamani Singh )  
Judge  
24.02.2003