

IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA.

**Civil Writ Petition No.1143 of 2005.**

Date of Decision: March 31, 2006.

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M/s Ashoka Steel Furniture Industries

.....Petitioner.

Versus

State of Himachal Pradesh and another

.....Respondents.

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***The Hon'ble Mr. Justice V.K. Gupta, Chief Justice.***

***The Hon'ble Mr. Justice Deepak Gupta, Judge..***

Whether approved for reporting?<sup>1</sup>

For the Petitioner: Mr. Atul Jhingan & Ms. Shilpa Sood, Advocates.

For the Respondents: Mr. J.K. Verma, Dy. Advocate General.

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**V.K. Gupta, C.J.:** (oral):

With the consent of the learned counsel for the parties, this petition is being disposed of at the motion hearing stage without formally admitting it for hearing.

An Order was passed by a Division Bench of this Court on 8<sup>th</sup> June, 2004 in ***CWP No 899 of 2003*** whereby this Court had directed that the respondents in that case shall treat all the rate contractors, including the petitioners therein, on equal and equitable basis and shall ensure that no one is discriminated against. It was also correspondingly observed and directed in that judgment that the petitioners in that case shall make

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<sup>1</sup> Whether Reporters of Local Papers may be allowed to see the judgment?

sure that whatever orders are placed with them, in implementation thereof, they shall be making supplies in execution of those orders without any demur on their part and within the time fixed in the orders.

We have perused the aforesaid Order and we feel convinced that the said Order was passed in the peculiar facts and circumstances of that particular case. The above quoted direction contained in the said order applied only to that particular case because the said direction was applicable and confined, as it were, to the parties in that case and the supplies being covered only in that case. Those directions were not meant and therefore could not be construed to be applicable to any other supply or supplies to be effected by any party or parties in favour of the State Government.

In sum and substance therefore, we have no hesitation in holding that the aforesaid Order dated 8<sup>th</sup> June, 2004 passed in CWP No. 899 of 2003 did not lay down any binding law nor had it issued any binding direction qua any party or any Supplier except the parties in that case only and the supplies covered therein. Accordingly, we have also no hesitation in holding that Communication/ Order No. 4-Ind/SP-2(C-33) 61/2002 Vol-IV dated 2<sup>nd</sup> July, 2004 issued under the signatures of Additional Controller of Stores, "Store Purchase Organization", Directorate of Industries, Government of H.P., construing the aforesaid judgment as being of universal application has wrongly and incorrectly been issued by the State Government.

It is up to the State Government and its functionaries to effect purchases from approved Rate Contractors/ Suppliers in best public interest. While effecting such purchases it shall be the duty of concerned

Department/Officer to ensure that the public interest, being of paramount importance is kept in view while effecting purchases. In given situations and subject of course to public interest as well as the public need, it shall always be open to any Department/Officer intending to purchase goods for Government use to purchase all the goods from one Supplier because in some given situations splitting of orders to different approved Rate Contractors/ Suppliers may not be in larger public interest or for public need.

The petition is disposed of.

**( V.K. Gupta ), C.J.**

**March 31, 2005.**  
**(rks)**

**( Deepak Gupta ), J.**