

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 71 of 2014 (M/S)

M/s Syonta Drug Formulation
& Technologies

..... Petitioner

Versus

State & others.

.....Respondents

Mr. K.K. Tiwari, Advocate for the petitioner.
Mr. Rajesh Sharma, Brief Holder for the State.

31st January, 2014

Hon'ble Servesh Kumar Gupta, J.

Petitioner has moved the application CLMA No. 648 of 2014, seeking to withdraw his petition No. 71 of 2014 (M/S). This Court is aware about the Order No. 01/14, dated 02.01.2014, of Hon'ble the Chief Justice of this Court, which states that no application may be entertained in the pending civil cases during winter vacation. It can significantly be noted that this order is directory in nature and it inherently be interpreted that in exceptional cases if the exigency/urgency is drawn to the attention of this Court then such an application may be entertained.

This Court, finds such an exigency/urgency in the instant case.

The petitioner wants to withdraw his petition for the reason that he was a participant for submitting his tender to supply the medicines in various Government hospitals of Uttarakhand. The tender process was initiated by the Government and the same were asked to be submitted up till 31.12.2013. The petitioner submitted his tender within the time limit.

In the writ petition it is averred that to bestow favour to someone, the Government extended the date till 08.01.2014 for submitting the tenders. This extension of the date was challenged by the petitioner and learned Vacation Judge of this Court, vide order dated 06.01.2014, was pleased to pass the order stating that the tender process may go on but it shall not be opened.

It has been submitted by learned counsel for the petitioner that this way the entire tender process was hampered and the concerned authority are not in a position to open the tenders.

After the order dated 06.01.2014, passed by this Court, the Government realized its mistake and permitted the participants of the tenders, which were moved up till 30.01.2013. In this regard, a fresh Government Order has been issued dated 18.01.2014, wherein it is stated that the entire process has to be completed before the application of the code of conduct for forthcoming Panchayat elections and the budget has to be utilized only up to the last date of February, 2014.

The applicant has stated that he is being asked by the Government Officers to withdraw his petition for completion of the tender process and that is essential because if it is not done then the supplying of the medicines to all the Government hospitals in the State will be in jeopardy. So, it will be against the vital public interest too depriving the pupil from being supplied the medicines by the hospitals.

Looking to the above exigency, the petitioner is allowed to withdraw his petition. Thus, the application to withdraw the petition is hereby accepted.

Petition is deemed to have been dismissed as withdrawn. Interim order, which was passed in favour of the petitioner, will be deemed to have been vacated.

(Servesb Kumar Gupta, J.)
Vacation Judge

31.01.2014
Sweta