

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.: 1981 of 2016

Date of Decision: 30.09.2019

Pardeep KumarPetitioner.

Vs.
State of Himachal Pradesh and othersRespondents.

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹ No.

For the petitioner: Mr. Prashant Chaudhary, Advocate.

For the respondent: Mr. Dinesh Thakur, Additional Advocate General, with M/s Seema Sharma, Amit Kumar Dhumal and Divya Sood, Deputy Advocate Generals and Mr. Sunny Dhatwalia, Assistant Advocate General.

Ajay Mohan Goel, Judge (Oral):

By way of this petition, the petitioner has challenged the award of tender with regard to the procurement of SUV Vehicles by the respondents on fixed outsourcing basis under RBSK Programme.

2. When this case was listed on 11.09.2019, this Court passed the following order:

“Learned Additional Advocate General has brought the record pertaining to the issuance of tenders by the respondent-State in favour of the successful bidders. A perusal thereof demonstrates that the tenders have been allotted

¹ Whether the reporters of the local papers may be allowed to see the Judgment?

to two successful bidders, i.e., M/s Shagun Enterprises and M/s Aditya Tours and Travels. The agreements have been entered into with the successful bidders by the Department concerned on 28.03.2017 and 03.04.2017. As per the terms of the agreements, the contract with the service providers was initially for a period of one year from the date of signing of the agreement, which was extendable for three years, if services were found satisfactory, on yearly basis with the mutual consent of the parties, agreed terms and conditions.

The Court has been informed that the contract is still with the said two successful bidders, which has subsequently been extended in terms of the agreements and the same is to come to an end on 28.03.2020 and 03.04.2020.

As prayed for, list on 18th September, 2019, to enable learned counsel for the petitioners to have instructions in view of the said development. Learned Additional Advocate General also to have positive instructions that after completion of term of three years, as is contemplated in the contract entered into by the Department concerned, the same shall not be extended and before completion of the said term, steps shall be taken by the Department to float fresh tenders, if the Government so intends to do in this regard.”

3. Thereafter, on 18.09.2019, the following order was passed:

“Learned Additional Advocate General submits that he has instructions to state that the Government is not going to extend the currency of the tender period. He further submits that in case the Government intends to invite fresh tenders, fresh process qua that shall be initiated well before expiry of the tenders in issue, in which all eligible can participate.

In view of the statement so made by learned Additional Advocate General, learned counsel for the petitioner(s) submits that the case be taken up next week, to enable him to have appropriate instructions.

As prayed for, list on 25th September, 2019.”

4. Today, learned counsel for the petitioner submits that in view of the stand taken by the State, as is evident from order, 18.09.2019, the petitioner does not intends to press the present petition. However, this Court may observe that in case the respondents intend to invite fresh tender(s), then the process be initiated well in time and

petitioner may also be permitted to participate in the said tender(s) and the factum of his earlier having assailed the tenders by way of this writ petition should not be taken as a bias against him.

5. Ordered accordingly.

6. It is clarified that in no circumstance, the existing contracts shall be continued by the Government after the period of the same is over. In case the respondent-State intends to invite fresh tender(s), then the process qua that shall be initiated well in time and the petitioner be permitted to participate in the same, if eligible. Learned Deputy Advocate General submits that in the event of any such tender(s) being issued and the petitioner being eligible, he shall be at liberty to participate in the process.

Petition stands disposed of in above terms, so also pending miscellaneous applications, if any. Interim orders, if any, stand vacated.

(Ajay Mohan Goel)
Judge

September 30, 2019
(bhupender)