

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

ON THE 31ST DAY OF MARCH, 2021

BEFORE:

HON'BLE SHRI JUSTICE MANOJ KUMAR TIWARI

WRIT PETITION (M/S) No. 756 of 2021

BETWEEN:

Momin Ali & another.Petitioners
(By Mr. T.A. Khan, Senior Advocate, assisted by Mohd.
Hasnain Raza, Advocate)

AND:

State of Uttarakhand and others. ...Respondents
(By Mr. T.S. Phartiyal, Additional C.S.C. for the State of
Uttarakhand and Mr. Bhupendra Singh Bisht, Advocate
for respondent nos. 4 & 5)

JUDGMENT

By means of this writ petition, petitioners
have sought following reliefs:

"I. To issue a writ order or direction in the nature of mandamus commanding the respondents to cancel the contracts which have been executed by them in favour of the contractors with regard to the works as mentioned in Govt. orders bearing ,no. 94IXVII-B-112021-11(02)2020 TC dated 21.01.2021 (Annexure No. 1), govt. order no. 86IXVII-B1/2021-11(03) 2020 TC dated 18.01.2021 (Annexure No. 2) and the govt. order no. 89/XVI I_B_112021-11(03)2020 TC dated 18.01.2021 (Annexure No. 3) and they may further be directed to stop the ongoing works immediately with regard to the items mentioned in annexure no. 1, 2 & 3 to the writ petition.

II. To issue a writ order or direction in the nature of mandamus commanding the respondents to invite fresh tenders for the items mentioned in annexure no. 1 to 3 to the writ petition, in two leading National level Hindi news papers having circulation in the District of Dehradun and thereafter they may be directed to take fresh steps with regard to the fresh tender notices and execute fresh contracts in furtherance thereto."

2. It is the contention of the petitioners in the writ petition that contract has been awarded in respect of various civil works, without issuing Notice Inviting Tender.

3. Learned State Counsel was asked to get instructions in the matter. Today, learned Additional C.S.C., on instructions, submits that Notice Inviting Tender was issued, which was published in Hindi newspapers, namely, Hindustan Times, Shah Times & Doon Parwat.

4. Learned Senior Advocate for the petitioners submits that Notice Inviting Tender was required to be uploaded in the official website, which was not done, and which was a mandatory condition as per Procurement Rules.

5. Since in the writ petition, petitioners had contended that contract has been awarded without issuing Notice Inviting Tender and this submission stands belied in view of the statement given by learned Additional C.S.C., therefore, there is no scope for interference in the matter.

6. Accordingly, the writ petition fails and is dismissed. However, petitioner shall be at liberty to file fresh writ petition challenging the tender process.

(MANOJ KUMAR TIWARI, J.)

Arpan