

(2021) 03 UK CK 0036

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 505 Of 2021

Anand Singh Dhalia

APPELLANT

Vs

District Magistrate, Nainital & Others

RESPONDENT

Date of Decision : 03-03-2021

Acts Referred:

Citation : (2021) 03 UK CK 0036

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Sumit Bajaj, C.S. Rawat, Pradeep Hariya

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner responded to an auction notice dated 04.02.2021 for grant of mining rights under Uttarakhand River Training Policy, 2020. According to

him, he submitted his bid on 19.02.2021 accompanied with all the documents, except the agreement which was subsequently required by Corrigendum

issued on 15.02.2021. It is further the case of the petitioner that pursuant to the condition imposed by Corrigendum dated 15.02.2021; petitioner also

submitted the agreement on 27.02.2021.

2. In this writ petition, petitioner has an apprehension that his bid may be rejected and he may not be permitted to participate in the auction process.

3. Based on the said apprehension, this writ petition has been filed by the petitioner seeking following relief:-

(i) Issue writ, order or direction, in the nature of Mandamus commanding and directing the respondents to permit the petitioner to appear in auction

process on the basis of documents submitted on 19.02.2021 and subsequently,

on 27.02.2021 pursuant to corrigendum dated 25.02.2021 (Annexure No. 3) to the writ petition.

4. Learned Chief Standing Counsel for the State has referred to para 5 of the order dated 26.02.2021 passed by Division Bench of this Court in SPA

No. 95 of 2021. Para 5 of the said judgment is reproduced below:-

5. Considering the fact that initially a learned Single Judge had expressed the opinion that the imposition of the new condition is prima facie an

illegal one, considering the fact that another learned Single Judge has merely directed the respondent-Department to extend the deadline for

submission of the bid documents, considering the fact that the deadline has been extended only for two days, a composite reading of all these facts is

sufficient to convince this Court to direct the respondent-Department to extend the deadline for submission of the bid documents till 03.03.2021, 5:00

P.M., and to permit the appellant and others to file their bid documents, without the respondent-department insisting that the bid documents should be

accompanied with a registered agreement between the bidders and the stone crusher owners.

5. Learned C.S.C. further submits that if petitioner has supplied all relevant documents and has also submitted the agreement, in terms of Corrigendum

dated 15.02.2021, then the apprehension expressed by the petitioner is absolutely without any substance and there is no reason, why petitioner's

bid may not be considered, if it does not suffer from any other disqualification.

6. In view of the submission so made by learned Chief Standing Counsel and also in view of the aforesaid order passed by Division Bench of this

Court, there is no point in keeping this writ petition pending.

7. The writ petition is, therefore, closed by recording the statement made by learned Chief Standing Counsel for the State.