

(2009) 05 AHC CK 0491
In the Allahabad High Court

India Casting & Krishi Udyog, Varanasi	APPELLANT
Vs	
State of UP and others	RESPONDENT

Date of Decision : 15-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0491

Hon'ble Judges : Yatindra Singh, J and Anil Kumar, J

Final Decision : Dismissed

Judgement

Anil Kumar, J.—The Nagar Nigam Varanasi (the Nagar Nigam) published an advertisement on 22.7.2007 for setting up a modern slaughter house outside the limits of Nagar Nigam. The tenders were opened on 7.8.2008. The tender of the petitioner was the highest. The Nagar Ayukt invited the other tenderers for negotiation. The petitioner filed writ petition no. 41254 of 2008 against the same. This was disposed of on 13.8.2008 with a direction that the negotiations should be done with the petitioner first.

2. The petitioner was called for negotiation. In this negotiation, the petitioner enhanced the amount from Rs.66,82,500.00 to Rs. 97,14,000.00. As the slaughter house was to be established beyond the limits of Nagar Nigam, the approval was sought for from the State Government on 8.9.2008. The State Government by the order dated 20.11.2008 directed the Nagar Nigam to readvertise again. This was communicated to the petitioner on 16.12.2008, hence the present writ petition.

3. We have heard the counsel for the petitioner, the standing counsel and Sri Vivek Verma for respondents.

4. The State Government has opined that the auction was not done in accordance with terms and condition and the fact that the bid was enhanced from Rs.66,82,500.00 to Rs.97,14,000.00 shows that auction can fetch more money. In view of this, fresh auction was ordered. In these circumstances, we see no justification to interfere.

5. Needless to say that the petitioner will be entitled to participate in the auction in accordance with law. With these observations, the writ petition is dismissed.