

(2023) 02 UK CK 0086
In the Uttarakhand High Court
Case No : Writ Petition (M/S) No. 414 Of 2023

Jagdev Singh

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 22-02-2023

Acts Referred:

Mines And Minerals (Development And Regulation) Act, 1957 — Section 3(d)

Citation : (2023) 02 UK CK 0086

Hon'ble Judges : Vipin Sanghi, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : A.S. Rawat, Pankaj Tangwan, Mamta Bisht, Puja Banga

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1) The petitioner has preferred the present writ petition to assail the order dated 18.01.2023, the order dated 27.01.2023, order dated 28.01.2023, and the order dated 10.02.2023.

2) The first order dated 18.01.2023, revises the royalty rates in respect of mining in the State. We see no merit in the challenge to the said order, inasmuch, as, it is for the State to determine the royalty that it charges for the activities of mining. The challenge to the order dated 18.01.2023 is devoid of any force, and is rejected.

3) The petitioner had participated in an open tender initiated by the respondent on 24.12.2022. The said tender was for the purpose of dredging in river Yamuna. The bidders were, under the terms of the tender, not only required to dredge the river, but also were entitled to remove the RBM and silt, and appropriate the same. The petitioner participated in the said tender, and on 24.01.2023, the petitioner was found to be the highest bidder. Before the bid of the petitioner could be accepted, in the light of the revision of the royalty in respect of RBM etc., vide order dated 18.01.2023, the respondents decided not to proceed with

the tendering process. The petitioner is aggrieved by the said decision of the respondents.

4) The submission of Mr. Rawat, learned Senior Counsel for the petitioner, is that the order dated 18.01.2023 was in respect of revision of royalty for mining, and not for dredging. Therefore, according to him, that could not have been cited as the reason for cancellation of the tendering process, after the bids had been opened, and the petitioner has been found as the highest bidder.

5) We do not find any merit in this petition. Firstly, no bidder has a vested right to claim a right to the allotment of the contract, merely because such bidder may have been found to be the highest or the lowest bidder, as the case may be, as a tender is merely an invitation to offer, and the offer has to be accepted, which has not happened in the present case. Before the offer could be accepted, the respondents have decided to recall the tender in the light of the revision of the royalty, vide Government Order dated 18.01.2023.

6) The submission of Mr. Rawat that the revision rates of royalty related only to the activity of mining, and not to the activity of dredging, has no force, for the reason that under the tender in question, the contractors were expected not only to dredge the river, but also to remove and commercially exploit the RBM and silt. The later activity tantamounts to mining as defined under Section 3(d) of the Mines and Minerals (Development and Regulation) Act, 1957, which defines "mining operations" to mean "any operation undertaken for the purpose of winning any mineral".

7) For the aforesaid reasons, we find no merit in this petition. The same is, accordingly, dismissed.