

(2024) 04 UK CK 0137

In the Uttarakhand High Court

Case No : Writ Petition (MS) No. 574 Of 2023

Media 24X7 Advertising Pvt. Ltd

APPELLANT

Vs

Nagar Nigam, Rudrapur & Others.

RESPONDENT

Date of Decision : 23-04-2024

Acts Referred:

Uttarakhand Procurement Rules, 2017 — Rule 3(1)

Citation : (2024) 04 UK CK 0137

Hon'ble Judges : Ritu Bahri, CJ;Rakesh Thapliyal, J

Bench : Division Bench

Advocate : Ramji Srivastava, Lalit Sharma, J.C. Pande, Ganesh Kandpal

Final Decision : Disposed Of

Judgement

Ritu Bahri, CJ

1. The petitioner, in the present writ petition, is seeking a direction to the respondents for quashing the letter dated 17.02.2023, issued by respondent No. 2-Municipal Commissioner, Nagar Nigam, Rudrapur, whereby the tender bid of respondent No. 4 has been accepted. The letter dated 17.02.2023 is at Page 149 of the Paper-Book. The translated copy of the letter dated 17.02.2023 is at Page 150 of the Paper-Book. As per this letter, the tender was awarded for installation of unipole / hoarding advertisement (2022-24) under the wall of Municipal Corporation, and as per this letter, the amount deposited by respondent No. 4, which is Rs. 1,70,37,000/-, and GST amount and two percent of tender amount as stamp has been received by the respondents at the time of tender allotment.

2. After issuing notice, counter-affidavits have been filed by respondent Nos. 1 to 3 dated 18th September. In the first affidavit, in paragraph 7, it is stated that Nagar Nigam, Rudrapur had issued tender notice on 13.05.2022 inviting tenders of hoarding and unipole for the year 2022 and it was opened on 02.06.2022, but due to bye-election in Nagar Nigam, Rudrapur and Code of Conduct, the tender was adjourned and after the election, a pre-bid meeting was convened on

15.07.2022 and the tender was again invited on 05.08.2022. The tender invited had to be opened on 22.02.2022 but in the aforesaid bid only one person had participated and keeping in view the provisions of Rule 3(1) of the Uttarakhand Procurement Rules, 2017, a decision was taken to publish an advertisement again inviting tender and, thereafter, on 23.08.2022, the tender was again invited vide Annexure CA-3. Even thereafter, when this letter was opened on 16.11.2022, there was only one bidder, and the tender was again invited on 26.12.2022 and it was ultimately opened on 9th January, 2023. In the tender, four bidders participated out of which three bidders were found successful in technical bids and, thereafter, the financial bids were opened on 10.01.2023, in which respondent No. 4 gave the highest bid of Rs. 2,01,03,600/-. He deposited the earnest money.

3. After this affidavit, a Supplementary Counter Affidavit has been filed, whereby all the documents presented by respondent No. 4 have been placed on record with Annexure SCA-1, which are Photostat copies of Adhar Card of the proprietor, PAN Card, GST Registration Certificate, Income Tax Return of Financial Year 2019-20, 2020-21, 2021-22 and Experience Certificate issued by Nagar Palika Parishad, Almora, and by Annexure SCA-2, the Photostat copy of Status Certificate of Rs. 415.21 Lacs issued by CA has been filed. Hence, all the documents, which were presented by respondent No. 4, have been placed on record by way a Supplementary Counter Affidavit.

4. Mr. Lalit Sharma, learned counsel for respondent Nos. 1 to 3, submits that almost 75% work has already completed.

5. Since the correct papers have been placed on record with Supplementary Counter Affidavit, no further direction is required to be given.

6. The writ petition is disposed of.