

(2017) 10 UK CK 0013
In the Uttarakhand High Court
Case No : 847 of 2017

Mr. Anoop Singh Rawat & others

APPELLANT

Vs

State of Uttarakhand & others

RESPONDENT

Date of Decision : 25-10-2017

Acts Referred:

Citation : (2017) 10 UK CK 0013

Hon'ble Judges : K.M. Joseph, V.K. Bist

Bench : Division Bench

Advocate : Shiv Bhatt, Kumkum Bhatt, ?Rajeev Singh Bisht, ?D.S. Patni, M.S. Rawat

Final Decision : Disposed

Judgement

1. Appellants are the writ petitioners. They are recruited as contractor registered with respondents- Corporation. They have filed the writ petition, feeling aggrieved by the composite tender floated by the respondents-Corporation. The learned Single Judge took the following impugned decision:-

"Learned counsel for the petitioners prayed for an interim relief. However, after hearing both the parties, this Court is of a considered view that this case is not of a nature which will cause an irreparable loss to the petitioner in case an interim order is not given. This Court, therefore, declines to interfere in the matter by way of an interim measure. Three weeks" time is granted to the respondents to file counter affidavit. List this matter in the week commencing 20.11.2017 in the daily cause list."

2. We heard Mr. Shiv Bhatt, Advocate with Ms. Kumkum Bhatt, Advocate for the appellants, Mr. Rajeev Singh Bisht, Brief Holder for the State of Uttarakhand/ respondent nos.1 & 5 and Mr. D.S. Patni, Advocate with Mr. M.S. Rawat, Advocate for respondent nos.2 to 4.

3. After hearing the learned counsel, who argued with reference to the case law, the Procurement Rules that the learned Single Judge should have granted interim

relief as prayed for, besides also pointing out the subsequent events in the form of opening of the financial bid before the technical bid was opened, we would think that the decision cannot qualify as a judgment and also having regard to the course, we intend to adopt, we think that we need not interfere with the decision of the learned Single Judge. We record the submission of Mr. D.S. Patni, learned counsel appearing for respondent nos.2 to 4 that the counter affidavit will be filed on or before 31.10.2017. Appellants are free to file rejoinder affidavit within a period of one day. We request the learned Single Judge to dispose of the writ petition itself by 03.11.2017. We leave open all the contentions of the appellants.

4. Accordingly, the appeal is disposed of.

5. Let the certified copy of this order be issued today itself.