

(2022) 06 UK CK 0055

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1286 Of 2022

M/s M.Y. Enterprises (Through Its Sole Proprietor Mohd. Yusuf)

APPELLANT

Vs

Uttarakhand Power Corporation Ltd. And Others

RESPONDENT

Date of Decision : 16-06-2022

Acts Referred:

Citation : (2022) 06 UK CK 0055

Hon'ble Judges : Sanjaya Kumar Mishra, J; Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : Ajay Veer Pundir, Dharmendra Barthwal

Final Decision : Dismissed

Judgement

Sanjaya Kumar Mishra, J

1) In this writ petition, the petitioner has prayed for issuance of a mandamus, and also writ of mandamus and certiorari, quashing the order in favour of the private respondent, and to produce the documents pertaining to Tender No. 06/2022-23, titled as "replacement of damaged / rusted poles at different locations with new poles and installation of new poles in HT/LT line under annual O&M head under EDSD Ganeshpur under EDD Mohanpur".

2) The main contention raised by Mr. Pundir, the learned counsel for the petitioner in this case, is that since the amount of tender is more than Rs. 2.5 lakhs, it should have been through E-tender as per the Procurement Policy.

3) We find that Annexure-1 is open tender notice issued in the newspaper, and in pursuance thereof, the petitioner as well as the private respondent submitted their tenders. The petitioner's tender paper was rejected on technical ground. In other words, his technical bid was rejected. Thereafter, the petitioner challenged the process.

4) Firstly, we are of the opinion that once a tenderer participates in a tender /

auction process and becomes unsuccessful, then it is not open for it to challenge the tender process. Secondly, the amount of tender is around Rs. 7.5 lakhs, in this case. The department has gone for an open tender, and keeping in view the exigency of service to be rendered, i.e., change of rusted and broken electric poles, we are not inclined to interfere in the matter as cancellation of the tender or a stay order passed may cause harm to the life of man and animal.

5) In that view of the matter, we do not find any merit in the writ petition. The writ petition stands dismissed, accordingly.

Interim relief application (IA No. 01 of 2022) also stands disposed of.