
(2023) 10 UK CK 0126

In the Uttarakhand High Court

Case No : Writ Petition (M/B) No. 308 Of 2023

M/s Vardhman Enterprises

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 30-10-2023

Acts Referred:

Citation : (2023) 10 UK CK 0126

Hon'ble Judges : Manoj Kumar Tiwari, J;Rakesh Thapliyal, J

Bench : Division Bench

Advocate : T.P.S. Takuli, Sandeep Adhikari, Amarendra Pratap Singh, Rajeev Singh Bisht

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. A Notice Inviting Tender was issued by the Director, Mines and Minerals Directorate, Uttarakhand, Bhopalpani, Dehradun, on 27.09.2023. The petitioner submitted a bid pursuant to the said Notice Inviting Tender.

2. Since the petitioner does not meet the requirement of six months' experience, therefore, he is apprehending that his bid would be rejected. Therefore, in this writ petition, he has challenged Clause-18 of Part-1 of General Guidelines for Bidders and he has also sought a direction to the respondents to permit him to participate in the tender process.

3. Learned State Counsel has relied upon a judgment rendered by the Co-ordinate Bench of this Court in Writ Petition (M/B) No. 301 of 2023 'Akhil Bhandari vs. State of Uttarakhand & another' dated 18th October, 2023. By the said judgment, a similar challenge to Clause-18 of the Notice Inviting Tender was repelled.

4. Learned State Counsel submits that since the controversy is covered by the judgment dated 18.10.2023 rendered in Writ Petition (M/B) No. 301 of 2023

'Akhil Bhandari vs. State of Uttarakhand & another', therefore, the present writ petition is also liable to be dismissed.

5. Paragraph Nos. 5 & 6 of the judgment dated 18.10.2023 rendered in Writ Petition (M/B) No. 301 of 2023 'Akhil Bhandari vs. State of Uttarakhand & another' are reproduced as under:-

"5) The Rules above referred to nowhere provide that the State cannot insist on possession of past experience by the bidders. There is nothing to counter indicate the requirement of past experience. It is only reasonable for the respondents to require proportionate past experience of the bidders, since mining is a technical job which requires deployment and use of tools & tackles, and machinery. We, therefore, do not find any merit in this petition. The same is, accordingly, dismissed.

6) The respondents may proceed with the tender in question. However, it shall be ensured that while proceeding with the tender in question, and while proceeding with all other tenders for grant of mining leases, the prior environmental approval and clearance is obtained in terms of the Notification dated 14.09.2006, issued by the Ministry of Environment and Forests, Government of India."

6. Since the question involved in the present writ petition is identical to the one involved in the judgment dated 18.10.2023 rendered in Writ Petition (M/B) No. 301 of 2023 'Akhil Bhandari vs. State of Uttarakhand & another', therefore, the present writ petition is also decided in terms of the said judgment.