
(2018) 06 UK CK 0017

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 268 of 2018

Naini Valley Constructions

APPELLANT

Vs

State of Uttarakhand and another

RESPONDENT

Date of Decision : 15-06-2018

Acts Referred:

Citation : (2018) 06 UK CK 0017

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : Shobhit Saharia, Yogesh Pandey, Yogesh Pacholia

Final Decision : Partly Allowed

Judgement

SUDHANSHU DHULIA, J. (ORAL)

1. The petitioner was one of the participants in e-tender cum online auction for mining of river bed materials from Village Katimi, Tehsil Betalghat,

District Nainital. The eligible bidders as per the advertisement dated 10.01.2018 were registered individuals, societies, companies as well as partnership

firms. The petitioner being a partnership firm which was duly registered with the department applied for online bidding but his bid was not accepted for

the reason that on 20.01.2018 a corrigendum was issued by the department that application shall not be entertained on behalf of the firm. Hence, the

petitioner was ineligible.

2. According to the petitioners, he could have applied as an individual but again there was an embargo that only such individual could apply who was

registered with the department. As a firm, the petitioner was already registered with the department and therefore there was no requirement for the

petitioner to get registered again.

3. According to the learned State Counsel as well as the learned counsel for the intervener, this auction was for a small area i.e. less than 5 hectares

for which there has been an amendment in the Rules where only individual and cooperative societies are eligible and firms are not eligible. In the

advertisement dated 10.01.2018, it was wrongly mentioned that even the firms are eligible. Therefore, there is a mistake on the part of the State

Government, which is admitted by them.

4. In view of the above, writ petition is partly allowed. The respondent authorities are directed to issue fresh advertisement for the said online auction.

5. In the meantime, any money which has been deposited by any of the parties shall be returned forthwith.