

(2018) 08 UK CK 0134

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2373, 2374, 2375 Of 2018

Rajendra Prasad Bangwal & others

APPELLANT

Vs

State of Uttarakhand & Others

RESPONDENT

Date of Decision : 27-08-2018

Acts Referred:

Uttar Pradesh Municipalities Act, 1916 — Section 10A

Citation : (2018) 08 UK CK 0134

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Rakesh Thapliyal, S.R. Joshi, V.K. Kohli

Final Decision : List on 31.8.2018 in the daily cause list

Judgement

Sudhanshu Dhulia, J. (Oral)

1. Supplementary affidavits filed by the petitioners are taken on the record. Applications (IA 6893, 6892 and 6894 of 2018) made therefor stand disposed of.

In Writ Petition (M/S) No. 2373/2018, the petitioner was given licence by the Nagar Palika Parishad, Mussoorie to operate the ropeway in Mussoorie,

while in Writ Petition (M/S) No. 2374/2018, the work of Mussoorie Lake near Dhobi Ghat was given to the petitioner. In Writ Petition (M/S) No.

2375/2018, the petitioner was given contract for collecting the eco-tourism fee. In all these writ petitions, petitioners have challenged the notice dated

1.8.2018 by which the period for which the aforesaid works were given to the petitioners have been curtailed up to 31.8.2018 only. Petitioners have

also challenged the tender notice dated 1.8.2018 published on 2.8.2018 whereby fresh tenders have been invited for awarding these contracts.

The case of the petitioners is that they were given licence for these works by a resolution of a duly elected body of Nagar Palika Parishad, Mussoorie.

After the term of the local body came to an end, an Administrator has been appointed under sub-section (4) of Section 10-A of the Uttar Pradesh

Municipalities Act, 1916 (as is applicable and stands amended in the State of Uttarakhand). There are two orders of the Government. Firstly there is

order dated 2.5.2018 by which the power has been given to the Administrators to perform only day-to-day functions.

But by the next order dated 29.5.2018, all the powers and functions have been given to the Administrators, pursuant to which the Administrator has

curtailed the period of work contracts of the petitioners up to 31.8.2018 only and has also invited tenders from the potential bidders.

Prima facie the resolution, by which the Nagar Palika Parishad without calling for fresh tenders has extended the contracts of the petitioners for a

period of up to five years or till the Mussoorie Dehradun Development Authority takes control of these works, appears to be erroneous. This is in

clear violation of the procurement rules of the State.

The contention of the petitioners, however, is that the rights were given to the petitioners by an elected body and now, an Administrator, who is simply

a nominee of the Government and who has not been elected by the people, cannot annul the decision of an elected body.

This matter needs to be examined. However, this Court is not inclined to pass any interim order particularly in view of the fact that fresh tenders have

already been invited. Petitioners may participate in the same. However, till the next date of listing, the respondents shall not finalize the bids.

List on 31.8.2018 in the daily cause list. Meanwhile, respondents shall file counter affidavit.