

(2020) 12 SHI CK 0157
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 5980 Of 2020

Sandeep Rathaur

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 23-12-2020

Acts Referred:

Citation : (2020) 12 SHI CK 0157

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Sumeet Raj Sharma, Ashok Sharma, Adarsh K. Sharma, Ritta Goswami

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. By way of the instant writ petition, the petitioner has called in question Notice Inviting EÂTender (Annexure PÂ4), published on 1st December,

2020, mainly on the ground that the very work was awarded to him in the year 2010.

2. The case of the petitioner, in nutÂshell, is that the work awarded to the petitioner could not be completed because the permission from the Forest

Department was required to be obtained since alignment of the work has to be passed through reserved forest and under these circumstances, the

work got delayed. Thereafter, since the respondents did not pay the amount due and payable to the petitioner, the case was referred to arbitration and

the learned Arbitrator has passed an Award in favour of the petitioner. In the meanwhile, the respondents issued a fresh notification/Notice Inviting

EÂTender (Annexure PÂ4) calling for fresh bids qua the very same work which

was awarded to the petitioner, hence the instant writ petition.

3. The bone of contention of the learned counsel for the petitioner is that issuance of the fresh Notice Inviting EÂ Tender (Annexure PÂ4) calling for

fresh bids with regard to the very work, subject matter of the Notice Inviting EÂ Tender (Annexure PÂ4), which was already awarded to the

petitioner, is arbitrary.

4. At this stage, Mr. Adarsh K. Sharma, learned Additional Advocate General, submitted that only one bidder has participated in the fresh Notice

Inviting EÂ? Tender, hence, the same is being cancelled in view of the lack of response from the bidders.

5. It is further submitted by learned Additional Advocate General that in case the petitioner undertakes to complete the work in question within one

month, he may be permitted to carry out and complete the same.

6. Faced with this, learned counsel for the petitioner, submitted that in case further three months' time is granted to the petitioner, he would undertake

to complete the work.

7. In light of the submissions made by learned counsel for both the parties and in view of the undertaking given by the petitioner, we deem it

appropriate to dispose of this writ petition with a direction to the petitioner to complete the work in issue within a period of five months from today. It

is clarified that the petitioner will not be entitled for any further extension of time.

8. The writ petition is disposed of in above terms, with a further direction to the respondents to pay the amount due and payable to the petitioner, if

any, within a period of four weeks from today.

9. Pending miscellaneous applications, if any, are also disposed of accordingly.