

(2024) 11 UK CK 0101

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 108 Of 2021 & Writ Petition (M/S) No. 99, 103 Of 2021

Shivam Mines And Minerals Through Its Proprietor Pradeep Aggarwal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 11-11-2024

Acts Referred:

Citation : (2024) 11 UK CK 0101

Hon'ble Judges : Manoj Kumar Tiwari, J; Vivek Bharti Sharma, J

Bench : Division Bench

Advocate : Mamta Bisht, J.C. Pande, Sandeep Kothari, Karthik Jayashankar, Rajeev Singh Bisht

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1) Since identical issue of fact and law is involved in the aforementioned writ petitions, therefore, they are being decided by this common judgment for the sake of brevity and convenience.

2) Writ petition (M/S) No. 99 of 2021 shall be the leading case.

3) By means of this writ petition, petitioner has sought the following reliefs :

“(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned orders bearing Letter No. 688/Khanan/Nivida (Jakhan 13/2) dated 05.01.2021 (Annexure No. 1) and Letter No. 689/Khanan/Nivida (Jakhan 13/2) dated 05.01.2021 (Annexure No. 2) and Letter bearing No. 730/Khanan/Nivida/ (Jakhan 13/2) dated 19.01.2021 (Annexure No. 2-A) and all consequential action/ order including execution of MOU dated 13.10.2021 (Annexure No. 2-B) and issuance of work order dated 27.10.2021 (Annexure No. 2-C) in favour of respondent No. 5 by the respondent Nos. 2 and 3.

(ii) Issue a writ, order or direction in nature of mandamus directing the respondent Nos. 2 and 3 to permit the petitioner to deposit the amount of first installment along with the security money payable with the first installment in accordance with procedure prescribed in the condition of process of payment in the tender document.”

4) According to the petitioner, he was found to be the highest bidder for award of a mining lot for which tender process was initiated by Garhwal Mandal Vikas Nigam. Mr. Sandeep Kothari, learned counsel for Garhwal Mandal Vikas Nigam, however, submits that Letter of Acceptance was issued to the petitioner on 16.12.2020, and petitioner was required to deposit certain amount as indicated in the Letter of Acceptance; since petitioner could not deposit the amount mentioned in the Letter of Acceptance within stipulated time, i.e., within seven days, and even during the extended period, therefore, vide letter dated 05.01.2021, the Letter of Acceptance issued to the petitioner was cancelled. He further submits that the mining lot was offered to the bidder found to be second highest bidder. However, he also could not deposit the security amount indicated in the Letter of Acceptance, then, ultimately, the mining lot was given to respondent No. 5, who was the third highest bidder, and who is now operating the mining lot since 2021.

5) Mr. Kothari points out that the mining lot has been allotted for a period of five years, which is still continuing. Mr. Kothari further points out that in the year 2024, petitioner was blacklisted by Garhwal Mandal Vikas Nigam for non-payment of mining dues in respect of other mining lots, and petitioner has challenged the blacklisting order in a separate petition, i.e., Writ Petition (M/B) No. 176 of 2024, which is pending before this Court.

6) Since petitioner himself is to be blamed for not depositing the security amount as indicated in the Letter of Acceptance, therefore, there is no scope for interference in the aforementioned writ petitions. Even otherwise also, in view of the blacklisting order passed against the petitioner, which is still holding good, no relief can be granted to the petitioner.

7) In such view of the matter, both the writ petitions fails and are dismissed accordingly. No orders as to cost.