
(2018) 02 UK CK 0012
In the Uttarakhand High Court
Case No : 391 of 2018

Smt. Raj Kaur Chaudhary

APPELLANT

Vs

State of Uttarakhand & another

RESPONDENT

Date of Decision : 14-02-2018

Acts Referred:

Citation : (2018) 02 UK CK 0012

Hon'ble Judges : Sudhanshu Dhulia

Bench : Single Bench

Advocate : R.S. Bisht, Bhupesh Kandpal

Final Decision : Dismissed

Judgement

1. According to the petitioner, the respondent authorities vide publication dated 10.01.2018 invited""e-tender-cum-e-auction"", for the auction of mining lots for picking riverbed material from various places of the State of Uttarakhand, in which the petitioner was one of the participants.
2. The case of the petitioner before this Court is that the bid was a two phase process and she had qualified in the technical bid, but for the financial bid which was to be made by an open auction, a new condition was raised whereby those who have successfully qualified the technical bid were to register themselves with the respondent authorities between 06.02.2018 to 11.02.2018.
3. According to the petitioner, there is no purpose for registration. Moreover, according to the petitioner, this condition was never brought to the notice of the petitioner and consequently, she could not register herself with the respondent authorities. Learned counsel for the petitioner submits that the said document is dated 05.02.2018, however, the same was uploaded on

the website of the respondent authorities on 08.02.2018.

However, this argument has not been substantiated by the petitioner in any manner.

4. Assuming for the sake of argument that it was uploaded on 08.02.2018, it still gives three days' time to the petitioner to get registered with the respondent authorities, which the petitioner has in fact failed to do and has challenged the same before this Court.

5. So far as this new condition is concerned, this Court finds no anomaly with the same. It is admittedly an auction which has to be made through

e-auction and the submission of tender and the correspondence, etc has to be made electronically. The document dated 05.02.2018 on which the

petitioner is relying upon categorically states that such registrations have to be made from 06.02.2018 onwards to 11.02.2018 between 10.00

A.M. to 3.00 P.M. This condition was universally applicable to all the prospective bidders i.e., those who have qualified the technical bid. Further

it cannot be said that this condition which has been imposed by the respondent authorities is arbitrary or unequal. Moreover, these are commercial

matters where interference is to be made on extremely limited grounds, such as violation of due procedure, etc. Such grounds are not available to

the petitioner.

6. In view of the above observations, the writ petition stands dismissed in limine.

7. Let a certified copy of this order be issued today itself on payment of usual charges.