
(2021) 03 UK CK 0125

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2457 Of 2020

Vipin Chandra Joshi & Others

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 17-03-2021

Acts Referred:

Citation : (2021) 03 UK CK 0125

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Anil Anthwal, Vinod Nautiyal, J.C. Belwal, Yogesh Pandey

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Petitioners are transporters, who were earlier given contract for transportation of milk and milk products by Nainital Dhudgh Utpadak Sahakari Sangh Ltd. The period of contract was extended due to lockdown imposed in the month of March, 2020.

2. By means of this writ petition, petitioners have sought following reliefs:-

(a) Issue a writ order or direction in the nature of certiorari to quash and set aside the impugned advertisement dated 08.12.2020 issued by respondent no. 2 after calling the entire records relates to the earlier advertisement dated 21.03.2020 from respondent no. 2. (Contained as annexure No. 1 to this writ petition).

(b) Issue a writ order or direction in the nature of mandamus directing the respondents to reconsider the advertisement dated 21.03.2020 in terms of Procurement Rules.

3. It was the contention of the petitioners that earlier on 21.03.2020, respondent no. 2 had issued a notice inviting tender from transporters for collection/

marketing of milk and milk products in different routes and petitioners had submitted their bids in response to the said notice inviting tender and had also deposited earnest money. It was further the case of the petitioners that, without giving any intimation to them regarding cancellation of earlier tender process, abruptly another tender notice was issued on 08.12.2020.

4. Mr. J.C. Belwal, learned counsel for respondent no. 2 submits that all the bidders were informed about the cancellation of earlier tender process and petitioners had sought refund of earnest money deposited by them at the time of earlier tender process and petitioners had also participated in subsequent tender process, which was initiated vide tender notice dated 08.12.2020.

5. Since petitioners have participated in the subsequent tender process, therefore, it is not now open to them to question the selfsame tender process and they are now stopped from challenging the same.

6. In such view of the matter, there is no scope for interference in the writ petition. Accordingly, writ petition fails and is hereby dismissed. Interim order dated 22.12.2020 stands vacated.