

Court No. - 40

Case :- WRIT - C No. - 38312 of 2023

Petitioner :- Nirmala Devi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Gopal Das Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Gopal Das Srivastava, learned counsel for the petitioner and Sri F.A. Ansari, learned standing counsel for State respondents.

2. Present writ petition is preferred for mandamus commanding the respondent no.3 to cancel the work orders dated 11.09.2023 awarded to the petitioner amounting to Rs.1,64,800/-, Rs.2,59,200/- and Rs.68,000/-.

3. The petitioner claims to be registered Government Contractor (D Category) and her registration had been renewed by second respondent, which is valid up to 18.07.2024. It is claimed that on account of old age she could not perform the work, which was assigned to her in terms of the agreement, therefore, she executed power of attorney in favour of her son (deponent) and permitted him to participate in bidding to finalize all other legal formalities on her behalf and to carry out the contract work. On 25.08.2023 and 30.08.2023 the respondent no.3 issued short term tender notices. Pursuant to the said notices, the petitioner also submitted her tender and her bids being lowest she was allotted three work orders amounting to Rs.1,64,800/-, Rs.2,59,200/- and Rs.68,000/-. According to the petitioner when the deponent went on the spot to carry out the work it was found that there was no canteen in the concerned police line, which was to be renovated and the concerned official has forced him to construct new canteen, which was neither in the tender notice, nor it was practically possible, therefore, the deponent sent an application on 15.09.2023 to the respondent no.3 narrating the entire facts and also sent an application on 26.09.2023 before the respondent no.3 requesting for cancellation of all the three work orders and refund of earnest money.

4. Learned counsel for the petitioner in support of his submission has placed reliance on the letter dated 15.10.2023 issued by the Superintendent of Police, District Sant Kabir Nagar wherein it is disclosed that not only the petitioner's work order had been cancelled but the earnest money was also forfeited. He submits that even though the

part grievance of the petitioner has already been redressed by the respondents but in most arbitrary manner the earnest money has been forfeited, therefore, the writ petition may be disposed of, however, leave may be accorded to the petitioner to assail the validity of forfeiture of earnest money .

5. The said relief is not resisted by learned standing counsel.

6. Considering the facts and circumstances, we are not inclined to proceed further in the matter. However, it is open to the petitioner to press the relief in the appropriate proceedings.

7. The writ petition is, accordingly, disposed of.

Order Date :- 7.11.2023

S.P.