

**Court No. - 3**

**Case :-** WRIT - C No. - 7693 of 2023

**Petitioner :-** Efkon India Private Ltd. Thru. Auth. Signatory

**Respondent :-** U.P. Expressways Industrial Dev. Authority Thru. Chief Executive Officer

**Counsel for Petitioner :-** Shuchita Singh, Shataxi Shukla

**Counsel for Respondent :-** Shiv Prasad Kushwaha

**Hon'ble Vivek Chaudhary, J.**

**Hon'ble Manish Kumar, J.**

1. Learned counsel for respondents has filed supplementary counter affidavit today and learned counsel for petitioner has filed supplementary rejoinder affidavit today and both are taken on record.

2. Heard Sri S.C. Mishra, learned Senior Advocate assisted by Sri Prithvi Garg, Advocate and Mrs. Shuchita Singh, Advocate and Ms. Shataxi Shukla, Advocate for petitioner and Sri S.B. Pandey, learned Senior Advocate and D.S.G.I. assisted by Sri Varun Pandey, learned counsel for respondents.

3. Petitioner has approached this Court for a mandamus commanding the respondents to issue the Letter of Award in favour of petitioner as per Clause 5.6 of the RFQ-cum-RFP document and for quashing/setting aside the decision of the respondents in rejecting the bid of the petitioner as well as notice for cancellation of e-tender published on E-Tender portal on 04.09.2023.

4. Learned counsel for petitioner states that the order published on the portal does not indicate any reason whatsoever. Learned counsel for petitioner places reliance upon the judgment passed by Supreme Court in case of '*Mohindhr Singh Gill and Another Vs. Chief Election Commissioner, New Delhi and*

***Others'***; reported in ***(1978) 1 SCC 405*** to substantiate that the order is without any reason and no further reason can be assigned by respondents by way of counter affidavit.

5. Sri S.B. Pandey, learned D.S.G.I. states that respondent authority withdraws the said cancellation order and seeks liberty to pass fresh order after giving an opportunity of hearing to petitioner.

6. Liberty as prayed is granted.

7. Such a reasoned and speaking order, after hearing, shall be passed by the respondent authority within three weeks from today.

8. With the aforesaid, the writ petition is **disposed of.**

**Order Date :- 17.10.2023**

Arti/-

**[Manish Kumar,J.] [Vivek Chaudhary,J.]**