



SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	11.11.2024		WPMB No. 17 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> 1. Mr. Jaishankar Pandey, learned counsel holding brief of Mr. Piyush Garg, learned counsel for petitioner. 2. Mr. J.C. Pande, learned Standing Counsel for State of Uttarakhand. 3. Mr. Sandeep Kothari, learned counsel for Garhwal Mandal Vikas Nigam. 4. By means of this Writ Petition, petitioner has sought the following reliefs : <i>"I. a writ, order or direction in the nature of certiorari quashing the order dated 16-11-2023 and 22-11-2023 (<u>ANNEXURE NO. 8</u>) issued by Respondent No. 2 whereby, even after the work was re-tendered, the earlier work allotment cancellation order dated 13.09.2023 and 20.10.2023 of Respondent No. 3 in respect of mining lots works have been arbitrarily revoked and work in respect of 4 mining lots have been re-allotted to Respondent no. 3.</i> <i>II. a writ, order or direction in the nature of mandamus, commanding the respondent no. 2 to proceed further and to complete and finalize the tender process initiated vide tender dated 01-11-2023 (<u>ANNEXURE NO. 6</u>) issued by it in respect of mining lot Saundana.</i> <i>III. to pass such further order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case."</i> 5. Petitioner is a mining contractor, who submitted bid pursuant to a tender notice issued by Garhwal Mandal Vikas Nigam for allotment of mining lots. Since petitioner was the only bidder, who participated in the tender process, therefore, Garhwal Mandal Vikas Nigam cancelled the bidding process vide order dated 08.11.2023. Garhwal Mandal Vikas Nigam (employer), thereafter, passed two orders on 16.11.2023 and 22.11.2023, revoking the cancellation orders passed



		against Shivam Mines & Minerals (respondent no. 3), and Shivam Mines & Minerals (respondent no. 3) was permitted to again operate the mining lots. The orders passed in favour of Shivam Mines & Minerals (respondent no. 3), whereby the cancellation orders passed against it, were revoked, have been challenged in this Writ Petition. 6. An interim order was passed by a Coordinate Bench of this Court on 14.03.2024, providing that tender proceedings shall remain stayed till the next date of listing. 7. Mr. Kothari, learned counsel appearing for Garhwal Mandal Vikas Nigam submits that the said order passed by the Coordinate Bench was challenged in SLP No. 10935/2024, and Hon'ble Supreme Court had been pleased to stay the order passed by the Coordinate Bench on 14.03.2024, vide order dated 17.05.2024. Operative portion of the order passed by Hon'ble Supreme Court on 17.05.2024 is extracted below : <i>"3. The learned ASG would point out that the matter pertains to mining operations in various mining blocks in Dehradun District for which short term e-tenders were issued. The counsel then refers to the Technical Evaluation Report dated 12.03.2024 (Annexure P/11) to point out that only single tenderer participated for the Revenue Lot at Saudana and Revenue Lot at Sarna 17/1. As regards the other three lots, no bidder participated. Owing to the said position, the authorities had no option but to pursue for a fresh tender process. However, the parties who participated in the earlier tender process filed Writ Petition(MB) 17 of 2024 before the High Court to seek direction for finalisation of the tender process notwithstanding the fact that a single tenderer was in the fray.</i> <i>4. As the tenders pertain to mines and minerals, it is a vital resource and of considerable financial significance for the State. The learned ASG submits that the impugned interim order was passed without assigning any reason and this will have implications for the petitioner.</i> <i>5. Issue notice, returnable in four weeks.</i> <i>6. In the meantime, operation of the impugned interim</i>
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order dated 14.03.2024 is stayed. It is however made clear that the Division Bench is at liberty to hear and dispose of the pending WPMB No. 17 of 2024 and WPMB No. 369 of 2023 on merit, without being held up on account of the present proceedings.”

8. Mr. Kothari submits that the order passed in favour of Shivam Mines & Minerals (respondent no. 3), whereby he was permitted to again operate the mining lots, was again revoked by the Competent Authority of Garhwal Mandal Vikas Nigam, and all the mining lots were re-allotted to a third person by issuing a tender notice, and now the mining lots concerned are being operated by a third person, to whom they were allotted. Thus, he submits that no useful purpose would be served by keeping this Writ Petition pending, as because of supervening events, the reliefs, as claimed in the Writ Petition do not survive, as respondent no. 3 is no more operating the mining lots concerned.

9. Accordingly, the Writ Petition is dismissed.

10. Pending application(s), if any, also stand disposed of accordingly.

(Vivek Bharti Sharma, J.)
11.11.2024

(Manoj Kumar Tiwari, A.C.J.)
11.11.2024

Rahul

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