



2024:UHC:7967-DB

HIGH COURT OF UTTARAKHAND AT
NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI

AND

HON'BLE SRI JUSTICE VIVEK BHARTI SHARMA

WRIT PETITION (M/ B) NO. 505 OF 2024
24TH OCTOBER, 2024

M/s Yash Construction Company Petitioner.

Versus

Nagar Nigam Roorkee ...Respondent.

With

WRIT PETITION (M/ B) NO. 506 OF 2024

M/s Sarvo Lite Industries Petitioner.

Versus

Nagar Nigam Roorkee ...Respondent.

With

WRIT PETITION (M/ B) NO. 507 OF 2024

M/s Sai Laxmi Construction Petitioner.

Versus

Nagar Nigam Roorkee ...Respondent.

With

WRIT PETITION (M/ B) NO. 508 OF 2024

M/s Ranbir Singh Thekedar Petitioner.

Versus

Nagar Nigam Roorkee ...Respondent.

With

WRIT PETITION (M/ B) NO. 509 OF 2024

M/s Tirupati Associated Petitioner.

Versus

Nagar Nigam Roorkee ...Respondent.

With

WRIT PETITION (M/ B) NO. 510 OF 2024

M/s Four Dimensions Petitioner.

Versus



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Nagar Nigam Roorkee

...Respondent.

With

WRIT PETITION (M/ B) NO. 511 OF 2024

Gurvinder Singh

....Petitioner.

Versus

Nagar Nigam Roorkee

...Respondent.

With

WRIT PETITION (M/ B) NO. 512 OF 2024

Vijender Singh

....Petitioner.

Versus

Nagar Nigam Roorkee

...Respondent.

With

WRIT PETITION (M/ B) NO. 513 OF 2024

M/s Sunny Construction

....Petitioner.

Versus

Nagar Nigam Roorkee

...Respondent.

Counsel for the Petitioner(s) : Mr. Ajay Veer Pundir,
learned counsel.

Counsel for the Respondent : Mr. Lalit Miglani, learned
counsel.

The Court made the following:

JUDGMENT:(per Hon'ble The Acting Chief Justice Sri Manoj Kumar Tiwari)

Since common questions of fact and law are involved in these writ petitions, therefore, these petitions are clubbed together and are being heard and decided together. However, for the sake of brevity and convenience, facts of Writ Petition (M/B) No.505 of 2024 are being considered.

2. By means of this writ petition, petitioner has sought the following reliefs:-



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“i) Issue a writ, in the nature of certiorari quashing the impugned tender notice dated 19-10-2024 letter no.204/Cons. Agree./N. Ni. Roorkee/ Tender/ 2024-25 issued by Respondent (Annexure No.4 to this writ petition).

ii) Issue a writ, order or direction in the nature of mandamus, commanding/ directing the Respondent to issue work orders to the respective successful bidders in pursuance to tender notice dated 24-09-2024 letter No.186/Construction Agree./N. Ni. Roorkee/ Tender/ 2024-25, which was published in daily newspapers on 25-09-2024.”

3. According to the petitioner, in the earlier bidding process, his bid was found to be the lowest in respect to certain works, however, the earlier bidding process has been cancelled, and fresh biddings have been invited by issuing fresh Notice Inviting Tender (*for short “NIT”*). This, according to the petitioner, is contrary to law, and once earlier bidding process has been finalized, it is not open to the authorities to invite fresh tender.

4. Learned counsel for the respondent, however, submits that petitioner has not challenged the decision taken by Competent Authority to cancel the earlier tender process. He further submits that in the earlier NIT, there was a condition that the Competent Authority can reject any or all the bids received pursuant thereto. Thus, he submits that the decision to



invite fresh tender by issuing fresh NIT is referable to such condition.

5. Since petitioner's offer was not accepted, and no binding contract had arisen, therefore, the Competent Authority was well within its rights to invite fresh tender by issuing fresh NIT. Thus, there is no scope of interference in the matter.

6. The writ petition(s) fails and, is accordingly, dismissed.

7. Pending application, if any, also stands disposed of.

(MANOJ KUMAR TIWARI, A.C.J.)

(VIVEK BHARTI SHARMA, J.)

Dated: 24th October, 2024
NISHANT

NISHANT
KUMAR

Digitally signed by NISHANT KUMAR
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