

Vikram Singh vs. Arvind Kumar Sharma & another

COPC No.511 of 2026

27.07.2026

Present: Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Tamanna Sharma, Advocate vice Ms. Garima Kuthiala, Advocate, for the petitioner.

Mr. B.N. Sharma, Additional Advocate General, for the respondents/State.

Vide order dated 9th April, 2026, the Hon'ble Division Bench of this Court, passed the following order:-

"Inter alia contends that on an earlier occasion, respondent No.6 was held to be not a defaulter vide letter dated 25.03.2026 (Annexure P-4) by respondent No.4. Petitioner had approached this Court by filing CWP No.3709 of 2026, putting forth that the petitioner had made the last bid of Rs.5,85,57,517/- and that the said private respondent, through various entities, namely Amit Enterprises and Bhavya Enterprises along with other firms, was also bidding, which was not permissible and resultantly directions had been issued by this Court vide order dated 25.03.2026 directing the respondents to pass a speaking order completing the entire process, on or before 30th March, 2026.

It is further pointed out from order dated 05.02.2026 (Annexure P-7), passed in CWP No.1676 of 2026 that M/s Amit Enterprises had approached this Court, whereby relief was limited to the effect that there had been demand of penalty against him and the applicant therein had been protected by restraining the official respondents to take any coercive steps against him, in pursuance to notice dated 08.01.2026.

It is further submitted that respondent No.2 thereafter allowed the representation and came to the conclusion that respondent No.1 was a defaulter and had directed fresh e-Auction for Unit No.4, Nagwain-Kamand, District Mandi. It is thus the case of learned Senior Counsel that

once the bid has already been in process and respondent No.6 was a defaulter, he should have been awarded the contract, but instead of the award of the contract, e-Auction proceedings were initiated on 31.03.2026 (Annexure P-10). The petitioner had then objected to the same by issuing legal notice dated 31.03.2026 to stop the bid and suggested that the petitioner would only participate under protest. Thereafter, another legal notice dated 31.03.2026 (Annexure P-12) was also issued that he was willing to pay the licence fee as last bid by respondent No.6 was to the tune of Rs.5,86,57,517/- being the only eligible participant. The said aspect was not considered and fresh bid continued, in which the petitioner took part and offered Rs.6,27,57,517/-, which would be clear from Annexure P-14.

The learned Senior Counsel has further contended that the auction was completed on 01.04.2026 at 12:30 a.m., which is clear from Annexure P-19 and the petitioner's bid was accepted. It is submitted that however the whole process was thereafter reopened two days later on 04.04.2026 and again bid was commenced leading to the serving of the legal notice dated 03.04.2026 (Annexure P-20), specifically pointing out that Amit Kaushal and his family members, as such, were participating in the bidding through ancillary firms.

Subsequently, legal notice dated 05.04.2026 (Annexure P-21) was also served that in the resumed e-Auction proceedings, he had made bids till Rs.8,24,57,517/-, but the bid was again taken to Rs.8,25,57,517/- and thereafter he had stopped bidding. It is thus the contention of learned Senior Counsel that the bid now has been awarded in favour of Kaushal family. Learned Senior Counsel submits that his client is willing to stand by the bid of Rs.8,24,57,517/-.

Notice, at this stage, confined to respondents No.1 to 5 only. Mr. Sidharth Jalta, learned Deputy Advocate General, appears and waives service of notice on behalf of respondents No.1 to 5/State.

List on 30.04.2026. Let reply be filed by the respondents/State, on or before the next date of hearing.

In the meanwhile, the award be not finalized. The award is stayed and no award shall be given to any third party. It is open to the State to award vends to the petitioner keeping in view the above facts and circumstances as fair offer has been given by learned Senior Counsel".

At this stage, it is fairly submitted by learned counsel for the petitioner that aforesaid order has been vacated vide order dated 5th May, 2026.

Since the stay order dated 09.04.2026, has been vacated, therefore, no further order is required to be passed in the present contempt petition and accordingly, the same is dismissed being not maintainable.

(Sushil Kukreja)
Judge

July 27, 2026
(reena)