



2026:UHC:2350-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (M/B) NO. 149 OF 2025

2ND APRIL, 2026

Ankit Petitioner

Versus

State of Uttarakhand & others Respondents

Counsel for the petitioner : Mr. Parikshit Saini, learned counsel

Counsel for the respondents : Mr. Gajendra Tripathi, learned
Standing Counsel for the State

: Mr. Shivanand Bhatt, learned counsel
for respondent No. 3

: Mr. Siddhartha Singh, learned
counsel for respondent No. 4

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

1) The present writ petition has been filed praying for
the following reliefs :

“(a) *Issue writ or order in the nature of certiorari quashing
the tender process as initiated by respondent No. 3 vide
Notification dated 23.12.2023 (contained as Annexure
No. 2 to this writ petition).*



2026:UHC:2350-DB

- (b) *Issue writ or order in the nature of certiorari quashing the Contract dated 10.01.2024, executed by respondent No. 3 in favour of respondent No. 4 (contained as Annexure No. 5 to this writ petition.*
- (c) *Issue writ or order in the nature of mandamus directing the respondent No. 1 to conduct an Enquiry against the respondent No. 3 as by issuing Tender Notification dated 23.12.2023 the Procurement Rules, 2017 have been violated which are mandatory and, thus resulted in revenue loss to respondent No. 3.”*

2) The Zila Panchayat, Pauri Garhwal (respondent No. 3 herein) issued impugned advertisement dated 23.12.2023 inviting tenders for collection of administration fee at Garudchatti, District Pauri Garhwal, for three years. The bids were opened on 04.01.2024 as per the date notified in the advertisement and respondent No. 4 was declared successful, his bid being the highest for Rs.55,01,250/-. The petitioner did not participate in the tender process. However, he filed the present writ petition on the ground that the tender process adopted by the respondent Zila Panchayat was in violation of the Uttarakhand Procurement Rules, 2017. One of the pleas was that Rule 35 thereof had been violated. The said Rule prescribes that for procurement of materials and services costing more than Rs. 2.5 lakhs the invitation of bids should be by electronic mode. However, the respondents have invited the tenders by publication of notice in newspapers in violation of Rule 35. The other plea was that Rule 10 was also violated as the notice was not published in two widely circulated



2026:UHC:2350-DB

national newspapers and the minimum time for submitting the tender should have been two weeks whereas only 12 days time was given. A co-ordinate bench while entertaining the writ petition by order dated 13.05.2025 directed Superintendent of Police (CBCID), District Pauri Garhwal to investigate as to whether the procurement rules have been followed by the respondent Zila Panchayat in letter and spirit.

3) In compliance of the said order it seems that inquiry was conducted by CBCID, and the report is on record. The conclusions recorded by the Inquiry Officer in his report are as follows :

“Despite the minimum bid amount being Rs.49.95 lakh, the District Panchayat Pauri did not adopt the e-procurement process for the Garudchatti service fee collection tender, thereby violating Rule 35 of the Uttarakhand Procurement Rules, 2017. Furthermore, only 12 days were given from the date of advertisement to the last date for submission of tender forms, whereas, as per rules, a minimum of two weeks’ time should have been provided. Hence, Rule 10(5) of the Uttarakhand Procurement Rules, 2017 was also not followed.

Therefore, the tender process adopted by the District Panchayat Pauri for the Garudchatti service fee collection tender, on the basis of which the tender was awarded to Shri Ranveer Singh, did not fully comply with the provisions of the Uttarakhand Procurement Rules, 2017.”

4) On 24.07.2025, this Court directed respondent No. 3 to intimate respondent No. 4 by written notice about the



pendency of the writ petition and the next date fixed for hearing.

5) On 04.08.2025, the matter was again taken up by a co-ordinate bench. On the said date there was no representation on behalf of respondent No. 4. The Court after recording *prima facie* satisfaction that there was violation of Rule 35 of the Uttarakhand Procurement Rules passed an interim order restraining Zila Panchayat from giving effect to the work order dated 10.01.2024 issued in favour of respondent No. 4. The order was to take effect from 05.08.2025 i.e. the next day. The Zila Panchayat was permitted to collect the toll itself.

6) It seems that on basis of the said order Zila Panchayat stopped respondent No. 4 from operating the contract and at that stage respondent No. 4 appeared through a counsel.

7) On 12.02.2026, we directed the Zila Panchayat to bring on record the amount of tax collected by it after passing of the order dated 04.08.2025.

8) In compliance of the said order, a counter-affidavit has been filed by respondent No. 3 wherein it is stated that in order to comply with order dated 04.08.2025 respondent No. 3 immediately issued a letter dated 04.08.2025 to respondent No. 4 informing respondent No. 4 about the interim order and he was directed not to collect any toll from Garudchatti barrier.



2026:UHC:2350-DB

By the same communication, Rahul Rana, Junior Engineer, Zila Panchayat, Pauri was also directed to ensure compliance of the interim order and forthwith stop collection of tolls. Further, one Jaikrit Singh, Tax Officer, Zila Panchayat was asked to assist Rahul Rana in collection. The stand taken in the counter-affidavit is that in said communication there was no clear instruction that tax was to be collected by Zila Panchayat itself and consequently Rahul Rana sought clarification from the then Appar Mukhya Adhikari. It is also stated that the then Appar Mukhya Adhikari Sunil Kumar orally instructed Rahul Rana that the Directorate Panchayati Raj Department Uttarakhand has rescinded the by-laws regarding collection on 01.01.2025, and consequently no tax collection was to be done. It is further stated that certain show-cause notices had been issued to Rahul Rana and Jaikrit Singh on 13.02.2026 and 20.02.2026 seeking their explanation in this behalf and which they have already replied. The stand thus taken is that in view of the aforesaid confusion and absence of clear directions the toll tax collection has not been done by the Zila Panchayat from Garudchatti barrier. It is also stated that the Zila Panchayat had by Agenda dated 27.02.2026 called a meeting to decide the alternative revenue sources instead of collecting toll at Garudchatti barrier.

9) The stand thus taken is that as on date the by-laws which empowered Zila Panchayat to collect toll (administration fee) from the barrier stand rescinded and consequently it has



no power to collect the said charges. It is therefore exploring alternative sources of revenue.

10) The inquiry report reveals that the procedure followed by the respondent Zila Panchayat in settling the contract was contrary to the Procurement Rules.

11) Having regard to the stand of Zila Panchayat that now it does not have power to continue to collect toll (administration fee) from the toll barrier in question and therefore respondent No. 4 in whose favour work order was issued would no more be entitled to collect any fee in shape of administration fee or by whatever name called. Moreover, the award of contract in favour of respondent No. 4 was also contrary to the Procurement Rules and thus invalid.

12) Learned counsel for respondent No. 4 submits that respondent No. 4 has suffered on account of the fault of respondent No. 3. He submits that respondent No. 3 also did not intimate respondent No. 4 as directed by this Court vide order dated 24.07.2025 and on account of which an *ex-parte* interim order came to be passed on 04.08.2025 which resulted in further losses to respondent No. 4.

13) These aspects, in our opinion, does not arise for consideration in the instant writ petition. In case, respondent No. 4 has suffered any loss on account of any action / inaction of respondent No. 3, it is always open to respondent No. 4 to avail legal remedies for the same.



2026:UHC:2350-DB

14) The challenge to the impugned advertisement does not survive any further in view of the stand taken by respondent No. 3 that the by-laws under which it was empowered to collect the toll (service fee / administration fee) ceases to exist.

15) The writ petition is, accordingly, disposed of as having become infructuous without prejudice to respondent No. 4 to avail legal remedies before appropriate forum if so advised.

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

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 2ND APRIL, 2026
Negi

**HIMANS
HU NEGI**

Digitally signed by HIMANSHU NEGI
DN: c=IN, o=HIGH COURT OF
UTTARAKHAND, ou=HIGH COURT OF
UTTARAKHAND,
2.5.4.20=bb3b60774012c1ef1dae20d13a
a1116e73331fda6878326386908a7f90d5
757, postalCode=263001,
st=UTTARAKHAND,
serialNumber=758D9D0FB7F4A80990FC
51A722A6BC552D470EB4FD2F88DDF7C
18DB2A1524A4D, cn=HIMANSHU NEGI
Date: 2026.04.06 17:41:07 +05'30'