



2026:UHC:3025-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

23rd April, 2026

Writ Petition (M/B) 247 of 2026

M/s Ayat Contractor

-----Petitioner

Versus

State of Uttarakhand and others

-----Respondents

Presence:-

Mr. Dharmendra Barthwal, learned counsel for the petitioner.

Mr. Rajeev Singh Bisht, learned Additional Chief Standing Counsel for the State/respondents no. 1 & 2.

Mr. Mukesh Kaparwan, learned counsel holding brief of Mr.

V.K.Kapruwan, learned counsel for the respondents no. 3 to 5.

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

1. The present writ petition has been filed by the petitioner, who is a registered contractor with the corporation, challenging the order dated 21.09.2024, passed by the respondent no. 4, Divisional Logging Manager, Uttarakhand Forest Development Corporation, East Haldwani, Gandhi Firm, Gas Godam Road, Kusumkhera, Haldwani, Nainital, cancelling of work order in favour of the petitioner firm for the reason that its proprietor Mohd. Kasim was involved in a forest offence (Crime No. 08 of 2012-13). The petitioner has also assailed order dated 22.01.2026, passed by the



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respondent no.4 rejecting the representation of the petitioner made in pursuance of the order dated 07.01.2026, passed in Writ Petition (M/B) No. 1128 of 2025. The plea of the petitioner that the petitioner was acquitted by order dated 09.12.2025 in the case involving forest offence and should therefore be permitted to participate in the tenders has been repelled observing that the acquittal was on ground of limitation and it does not absolve the petitioner of the forest offence. Further, the department is in process of filing appeal against the order of acquittal dated 25.08.2025. It has also been observed that there is adverse observation on account of involvement of the petitioner in the forest offence in the no objection certificate and in case, in future, there is no adverse entry in the relevant register as regards any criminal offence against the petitioner, the petitioner firm would not be prevented to participate in the future contracts.

2. Having regard to the contention that the petitioner has already been acquitted of the charge of forest offence and that the money deposited by the petitioner against the work order for lot no. 34/2025-26 has not been returned, we passed the following order on 09.04.2026:



"1. Sri Dharmendra Barthwal, learned counsel for the petitioner.

2. Sri Rajeev Singh Bisht, learned Deputy Advocate General for the State of Uttarakhand.

3. Sri Virendra Kaparuwan, learned counsel for respondent Nos. 3 to 5.

4. The submission is that the forest offence against the petitioner and on basis of which, adverse noting was made in the No Objection Certificate, has ended in acquittal vide order dated 25.08.2025 passed by the Additional Chief Judicial Magistrate, Haldwani. So far, no appeal has been filed against the said order. The respondent Corporation is still preventing the petitioner from participating in future tenders. It is urged that merely on basis of the said forest offence, which has already resulted in acquittal of the petitioner, the petitioner cannot be debarred permanently from participating in the contracts.

5. Learned counsel for the respondent-Corporation submits that the work relating to transport of logs and timber has to take place within reserve forest area and, therefore, No Objection from Divisional Forest Officer is required. He submits that in case, the Divisional Forest Officer gives No Objection Certificate, then the Corporation will have no objection in permitting the petitioner to participate in future tenders. However, in respect of the prayer made by the petitioner for return of money against the work order for Lot No. 34 / 25-26, which was cancelled by the order dated 21.09.2024, he seeks time to obtain instructions.

6. Learned Deputy Advocate General for the State of



Uttarakhand also seeks time to obtain instructions from the concerned DFO.

7. List as fresh on 23.04.2026.”

3. In pursuance of the aforesaid order, the learned State counsel as well as learned counsel for the respondent-Corporation have obtained written instructions and the same have been placed on record.

4. A perusal of the written instructions furnished by the Divisional Forest Officer, Haldwani, Forest Division Haldwani reveals that the proposal for filing appeal against the order dated 25.08.2025, acquitting the petitioner, now stands turned down and thus no appeal has been filed against the said order. The order acquitting the petitioner has thus become final. The Divisional Forest Officer in the aforesaid facts and circumstances has taken the following stand in paragraph 10 of the written instruction.

“10. That the petitioner is a registered Contractor in Uttarakhand Forest Corporation East Haldwani therefore, permission for work in Forest Corporation may be issued as per provisions of Uttarakhand Forest Corporation Act, Uttarakhand Forest Corporation Manual and relevant Government order as per merit of case. The respondent no. 2 is not entitled to take decision regarding the registration, work



allotment in Uttarakhand Forest Corporation to the petitioner. The respondent no.4 has to decide the matter as per Rules, Regulation and Norms of Forest Corporation.”

5. Learned State counsel appearing on behalf of the Divisional Forest Officer states that since the order of acquittal has attained finality, therefore, the District Forest Officer would have no objection in participation of the petitioner in future contracts of the respondent-Corporation.

6. In the written instructions furnished by respondent no. 4, the same stand has been taken.

7. Further, it is stated that a Credit Note has already been issued on 20th February, 2026, for return of a sum of Rupees 80,583/-to the petitioner against the work order, which subsequently came to be cancelled.

8. Learned counsel for the petitioner submits that the petitioner has not received the amount so far.

9. Having regard to the said submission, we dispose of the writ petition by providing that, in case, the amount deposited by the petitioner against the work order in question, has yet not been returned, the



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same shall be returned to the petitioner, positively within three weeks from the date of communication of order to respondent no.3.

10. We further provide that in respect of the future tenders, in case, the petitioner is otherwise qualified and applies for no objection from respondent no.4, he would abide by the stand taken by him before this Court and issue the certificate if there is no other legal impediment.

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

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 23.04.2026
Kaushal