

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.3005 of 2016
Decided on: 12.02.2016

Birinder Singh Dhillon

.... Petitioner

versus

State of Haryana & ors.

.... Respondents

**CORAM:HON'BLE MR. JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Harsh Bunker, Advocate
for the petitioner.

Mr. Amar Vivek, Addl. AG, Haryana.

S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner has challenged the notice inviting tenders dated 22.01.2016 (Annexure P-4). The petitioner has not submitted the bid. The matter was filed and circulated only this morning. This assumes significance as the e-auction is scheduled for 15/16.02.2016. During this period, the petitioner has not written a single letter or sought any clarification in respect to his challenges to the terms and conditions of the NIT despite the fact that Clause 34 of the NIT informed the prospective bidders that further information, if any required, can be had on any working day from the office of the Mining Office, Mines & Geology Department, Panchkula or from the office of the Director General, Mines and Geology, Haryana, Chandigarh.

The petitioner's allegation is that the blocks which are to be allotted for mining have not been identified and demarcated. One of the terms and conditions of the NIT reads as under:

*(iv) The Block areas are **Tentative** and are being notified on '**as is where is basis**' and all prospective*

bidders are expected and presumed to have surveyed the areas to make their own assessment for the potential of the areas for which bids are to be offered. The State government shall not be responsible for any kind of loss in land/area or any other loss to the bidders/contractors at any point of time (before or after grant of contract) on account of reduction of land/area or otherwise. Further, the bidders are also expected to have gone through the terms and conditions of auction notice and also the applicable Acts and Rules for undertaking mining;

Learned counsel appearing for the respondents justifiably submits that the petitioner had not even once approached the respondents for clarification in this regard. He further submits that the blocks have been demarcated and identified. He submits that the petitioner may approach the respondents in this regard before the e-auction to be held on 15/16.02.2016.

The writ petition is disposed of with a clarification that the petitioner or his authorized representative may visit the office of the Mining Office, Mines & Geology Department, Panchkula at 10.30 am on 13.02.2016 for this purpose. It is further clarified that this order does not relax any eligibility conditions or other requirements whatsoever.

(S.J.Vazifdar)
Acting Chief Justice

12.02.2016
sonia

(Arun Palli)
Judge