

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

**CWP No. 137 of 2019
Date of decision: 09.01.2019**

Surya International Private Limited

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Sumeet Mahajan, Senior Advocate, with
Mr. Amit Kohar, Advocate,
Mr. Varun Katyal, Advocate
for the petitioner.

Mr. Baldev Raj Mahajan, Advocate General, Haryana, with
Mr. Deepak Balyan, Additional Advocate General.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

The grievance raised in this petition has been that the tenders have been invited for collection of user fee, but without notifying user fee rate applicable and chargeable on different category of vehicles.

Learned senior counsel for the appellant, referring to tender document, pointed out that schedule 1, which was to contain the said rates only, mentions that same shall be attached later, and thus, it is not possible to submit the bid.

When we entertained this petition yesterday, we required learned Additional Advocate General, Haryana, to seek instructions. Today, learned Advocate General, Haryana, is present. On the basis of instructions from the officials present in Court, he states before us that subsequently user fee rates have been notified for Toll Plaza Nos. 1 to 7, vide notification dated 14.11.2018 and for Toll Plaza Nos. 8 to 11, notification dated 16.6.2016 has been adopted. He further states that because of this reason, the last date for submitting the tender has been extended to 15.01.2019.

Learned senior counsel for the petitioner contends that vide notification dated 14.11.2018, the rates have been specified for Toll Plaza Nos. 1 to 7 and the notification dated 16.6.2016 refers to Toll Plaza No. 8 to 11, thus, there is no notification for Toll Plaza No. 8.

Learned Advocate General states that since it is the earlier notification, which has been adopted, this should be read for Toll Plaza Nos. 8 to 11. He further submits that already a pre-bid meeting is fixed for today in which the petitioner has also been invited to participate and still if any clarification is required, the same can be sought in the meeting itself.

In view of the above, we do not find that the petitioner has left with any cause of action and the writ petition is not liable to continue on board any further. Accordingly, the same is dismissed as having been rendered infructuous.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January 09, 2019
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO