IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 5980 of 2020

Decided on: 23.12.2020

Sandeep Rathaur …Petitioner

Versus

The State of Himachal Pradesh and others …Respondents

Coram

The Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice.
The Hon'ble Mr. Justice Anoop Chitkara, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr. Sumeet Raj Sharma, Advocate.

For the respondents: Mr. Ashok Sharma, Advocate General, with Mr. Adarsh K. Sharma and Ms. Ritta Goswami, Additional Advocates General, for respondents No. 1 and 2.

(Through Video Conferencing)

L. Narayana Swamy, Chief Justice. *(Oral)*

By way of the instant writ petition, the petitioner has called in question Notice Inviting E-Tender (Annexure

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

P-4), published on 1st December, 2020, mainly on the ground that the very work was awarded to him in the year 2010.

2. The case of the petitioner, in nut-shell, is that the work awarded to the petitioner could not be completed because the permission from the Forest Department was required to be obtained since alignment of the work has to be passed through reserved forest and under these circumstances, the work got delayed. Thereafter, since the respondents did not pay the amount due and payable to the petitioner, the case was referred to arbitration and the learned Arbitrator has passed an Award in favour of the petitioner. In the meanwhile, the respondents issued a fresh notification/Notice Inviting E-Tender (Annexure P-4) calling for fresh bids qua the very same work which was awarded to the petitioner, hence the instant writ petition.

3. The bone of contention of the learned counsel for the petitioner is that issuance of the fresh Notice Inviting E-Tender (Annexure P-4) calling for fresh bids with regard to the very work, subject matter of the Notice Inviting E-

Tender (Annexure P-4), which was already awarded to the petitioner, is arbitrary.

4. At this stage, Mr. Adarsh K. Sharma, learned Additional Advocate General, submitted that only one bidder has participated in the fresh Notice Inviting E-Tender, hence, the same is being cancelled in view of the lack of response from the bidders.

5. It is further submitted by learned Additional Advocate General that in case the petitioner undertakes to complete the work in question within one month, he may be permitted to carry out and complete the same.

6. Faced with this, learned counsel for the petitioner, submitted that in case further three months' time is granted to the petitioner, he would undertake to complete the work.

7. In light of the submissions made by learned counsel for both the parties and in view of the undertaking given by the petitioner, we deem it appropriate to dispose of this writ petition with a direction to the petitioner to

complete the work in issue within a period of five months from today. It is clarified that the petitioner will not be entitled for any further extension of time.

8. The writ petition is disposed of in above terms, with a further direction to the respondents to pay the amount due and payable to the petitioner, if any, within a period of four weeks from today.

9. Pending miscellaneous applications, if any, are also disposed of accordingly.

(L. Narayana Swamy)
Chief Justice

(Anoop Chitkara)
Judge

December 23, 2020
(rajni)