

C.M. No. 1465-2021 &
LPA-592-2021

Date of decision:19.07.2021

VIKRAM SINGH

...APPELLANT

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA***

Present: Mr. Yashdeep Nain, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J.
C.M. No. 1465-2021

Prayer in this application is for condonation of delay of 18 days
in filing the present appeal.

Keeping in view the averments made in the application, which
is supported by the affidavit of the applicant-appellant, the present
application is allowed. Delay of 18 days in filing the present appeal stands
condoned.

LPA-592-2021

This intra Court appeal has been preferred by the appellant-
petitioner challenging the order dated 02.03.2021 passed by the learned
Single Judge wherein writ petition preferred under Article 226 of the
Constitution of India read with Section 482 Cr. P.C. for issuance of a
mandamus directing the official respondents to enquire into the matter and
thereafter to register an FIR against the erring officials of the Municipal
Committee, Kalayat as well as the contractor who was assigned the work
through a tender as it is asserted that the issuance of the tender and the

consequential work which has been done being of low quality indicates connivance of the officials of the Municipal Committee, Kalayat, stands dismissed.

Learned counsel for the appellant submits that the appellant is a RTI activist and on this basis, he has sought information with regard to the allegations made in the writ petition, on the basis of which, he had asserted before the Court in the writ petition about the fraud having been played by the contractor in connivance with the officials of the Municipal Committee, Kalayat. His submission is that a low grade material has been used for carrying out the work assigned to the contractor which was complained of by the residents of the area. Allegations have also been made that the contractor, who was allotted the work, did not fulfil the requisite criteria laid down for a tenderer to be eligible for consideration. Forged and fabricated documents have been appended relating to the experience of the contractor. Payment has also been made to the contractor without following the norms in connivance with the officials of the Municipal Committee. He, therefore, contends that the order passed by the learned Single Judge dismissing the writ petition cannot sustain. Prayer has, thus, been made for setting aside the said order and for remanding the case back to the learned Single Judge for fresh decision or for directing the respondents to take an appropriate action in accordance with law.

We have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the records of the case as well as the judgment of the learned Single Judge but do not find any ground for interfering with the said impugned order.

It is not in dispute that the matter with regard to the eligibility

of the contractor, who had been allotted the contract as well as the execution of the work in pursuance to the allotted tender, would be a purely contractual obligation and governed by the terms and conditions thereof. The appellant has no connection or concern with the same as at the time when the work was allotted to the contractor, no objection whatsoever was raised by the appellant. Now what has been sought to be projected is the substandard quality of the products which have been used in execution of the work which was allotted. No order of any competent authority or report of any laboratory has been placed on record to show the substandard use of material.

As regards the allegations of fraud and connivance of the officials of the Municipal Committee is concerned, again there is no evidence to that effect. In the absence of these aspects, interference by this Court while exercising its extraordinary writ jurisdiction is uncalled for. Bald assertions and allegations cannot be made the basis for passing directions which may be prayed for by a person who has approached this Court.

In view of the above, the present appeal being devoid of merit stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(ASHOK KUMAR VERMA)
JUDGE**

**July 19, 2021
pj**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No