

(2024) 11 UK CK 0102

Uttarakhand High Court

Case No: Writ Petition (M/S) No. 108 Of 2021

Shivam Mines And Minerals
Through Its Proprietor Pradeep
Aggarwal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision: Nov. 11, 2024

Hon'ble Judges: Manoj Kumar Tiwari, J; Vivek Bharti Sharma, J

Bench: Division Bench

Advocate: Mamta Bisht, J.C. Pande, Sandeep Kothari

Final Decision: Dismissed

Judgement

Manoj Kumar Tiwari, J

1) Since identical issue of fact and law is involved in the aforementioned writ petitions, therefore, they are being decided by this common judgment for the sake of brevity and convenience.

2) Writ petition (M/S) No. 108 of 2021 shall be the leading case.

3) By means of this writ petition, petitioner has sought the following reliefs :

"(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned orders bearing Letter No. 641/Khanan/Nivida (Yamuna 21/1) dated 28.12.2020 (Annexure No. 1) and Letter No. 642/Khanan/Nivida (Yamuna 21/1) dated 28.12.2020 (Annexure No. 2), MOU dated 01.02.2021 (Annexure No. 2-A) and work order bearing letter No. 782/X/IV-21/1 Yamuna (2020-25) dated 02.02.2021 (Annexure No. 2-B) and/or all other consequential action / actions &/or order / orders.

(ii) Issue a writ, order or direction in nature of mandamus directing the respondent Nos. 2 and 3 to permit the petitioner to deposit the amount of first installment along with the security money payable with the first installment in accordance with procedure prescribed in the condition of process of payment in the tender document."

4) In sum and substance, case of the petitioner is that he was found to be the highest bidder in a tender process initiated by Garhwal Mandal Vikas Nigam for allotment of mining lots, and a Letter of Acceptance was also issued to him but, subsequently, the Letter of Acceptance was cancelled without any rhyme or reason, vide order dated 28.12.2020.

5) Stand taken by Garhwal Mandal Vikas Nigam, however, is that in the Letter of Acceptance it was mentioned that petitioner has to deposit a certain amount as security upto a certain date. However, petitioner failed to deposit that amount within the time indicated in the Letter of Acceptance, and he could not deposit the security amount even during the extended time, then ultimately, the Letter of Acceptance was cancelled vide order dated 28.12.2020. Mr. Sandeep Kothari, counsel for Garhwal Mandal Vikas Nigam submits that due to petitioner's inability to deposit the security amount, the mining lot was offered and allotted to the second highest bidder. He further submits that Garhwal Mandal Vikas Nigam has blacklisted the petitioner for non-payment of other mining dues vide order dated 06.06.2024, which has been challenged by petitioner in Writ Petition (M/B) No. 176 of 2024, which is pending before this Court. He thus submits that for the aforesaid reasons, petitioner is not entitled to any relief in this writ petition.

6) We find substance in the submission made by counsel for Garhwal Mandal Vikas Nigam.

7) Since petitioner himself is to be blamed for not depositing the security amount with the Garhwal Mandal Vikas Nigam within the deadline indicated in the Letter of Acceptance, therefore, no relief can be granted to the petitioner. More so, when there is a blacklisting order passed by the employer, therefore, unless that blacklisting order is set aside, this Court cannot direct Garhwal Mandal Vikas Nigam to award the mining lot to the petitioner.

8) In such view of the matter, there is no scope for interference in both the writ petitions. Both the writ petitions fail and are dismissed accordingly. No orders as to cost.