



2024:UHC:7538-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMB No.307 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Dushyant Mainali, Advocate for the petitioner. Mr. Sunil Khera, Deputy Advocate General for the State of Uttarakhand. Mr. Virendra Kaparwan, Advocate for respondent nos.2 to 4. 2. Petitioner was awarded a contract for transportation of Timber by Uttarakhand Forest Development Corporation, in the year 2023. An order of blacklisting was passed against the petitioner, on 18.03.2024. Petitioner approached the Arbitrator against the blacklisting order and, pursuant to order passed by Arbitrator, the order of blacklisting was set aside, however, the direction issued by Divisional Logging Manager, Uttarakhand Forest Development Corporation, East Ramnagar to forfeit the security deposited by petitioner, was maintained. Thus, feeling aggrieved, petitioner has approached this Court, seeking the following reliefs: "i) Issue of writ of certiorari quashing the impugned order dated 18.3.2024 passed by respondent no. 2 whereby, he has directed to forfeit the security deposited by the petitioner and to black list him as a Contractor of Forest Development Corporation (contained Annexure No. 2 to the writ petition). ii) Issue of writ of certiorari quashing the impugned order dated 25.5.2024 passed by respondent no.3 whereby, in an arbitration proceeding invoked by the petitioner, the respondent no.3 has directed to cancel the tender of the petitioner (contained as Annexure No. 1 to the writ petition).



		iii) Issue a writ order or direction in the nature of mandamus commanding and directing respondents to the immediately release the entire outstanding dues of the petitioner pertaining to the entire transportation of timber carried out by him in respect of Lot No. 72/23-24 of Tarai West Forest Division, Ramnagar District Nainital as contractor pursuant to the tender notice dated 30.11.2023. iv) Issue a writ order or direction in the nature of mandamus commanding and directing the respondent no.1 to initiate appropriate inquiry against the respondent no.4 and his functionaries whereby, they have blatantly violated the provisions of Uttarakhand Procurement Rules 2017 and provided undue benefit to respondent no.6 by permitting him to transport the timber despite of his bid not being technically qualified and the petitioner's contract for the same Lot of timber being in force, had already been executed." 3. Mr. Virendra Kaparwan, learned counsel appearing for Uttarakhand Forest Development Corporation makes a statement at the bar that, subsequently, another blacklisting order has been passed against the petitioner, on 02.08.2024. He submits that no challenge has been thrown to the subsequent blacklisting order, therefore, the writ petition has become infructuous. 4. Learned counsel for the petitioner submits that the subsequent blacklisting order has not been served upon his client and he would challenge the same as & when the said blacklisting order is supplied to him. He submits that petitioner made a complaint against the Divisional Logging Manager, Uttarakhand Forest Development Corporation, Ramnagar to Managing Director, Forest Development Corporation, which is still pending. 5. Mr. Virendra Kaparwan, Advocate, on instructions, assures the Court that necessary enquiry on the complaint made by petitioner shall be completed, within four weeks' and proper order shall
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			be passed thereafter. 6. Learned counsel for the petitioner submits that he may be permitted to withdraw the writ petition, with liberty to file fresh, challenging the subsequent blacklisting order. 7. Mr. Virendra Kaparwan, Advocate undertakes to supply copy of subsequent blacklisting order to learned counsel for the petitioner, within 24 hours. 8. Accordingly, the writ petition is dismissed as withdrawn, with liberty to petitioner to file fresh, against the subsequent blacklisting order. (Rakesh Thapliyal, J.) (Manoj Kumar Tiwari, A.C.J.) 14.10.2024 <i>Arpan</i>
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