

CWPs No. 1816 & 1817 of 2018

18.09.2019 Present: Mr. R.K. Gautam, Senior Advocate, with M/s. Gaurav Gautam and Megha Kapur Gautam, Advocates, for the petitioner(s).

Mr. Ashok Sharma, Advocate General, with M/s. J.K. Verma, Ritta Goswami, Adarsh K. Sharma, Ashwani K. Sharma and Nand Lal Thakur, Additional Advocates General, for the respondents.

CMP No. 8629 of 2019 in CWP No. 1816 of 2018

CMP No. 8021 of 2019 in CWP No. 1817 of 2018

The State has come up with the above applications seeking virtually a modification of the order of the status quo, though the applications are termed as petitions for clarification.

2. Heard Mr. Ashok Sharma, learned Advocate General, appearing for the applicants and Mr. R.K. Gautam, learned Senior Counsel appearing for the writ petitioners.

3. The reliefs sought in the writ petitions relate to the forfeiture of the Upfront Premium paid by the petitioners, pursuant to a tender for a Hydro Electric Power Project floated by the respondents. On account of the interim order of status quo passed on 06.08.2018, the State is unable to proceed with the project. Even if the writ petitioners succeed, in total, they are only going to get back the money paid by them. Therefore, the project need not be stalled by way of this interim order. Hence, interim order of

-: 2 :-

status quo is vacated. However, the claim of the petitioners for refund of the forfeited amount, shall not stand defeated by the respondents proceeding with the finalization of the project. It is open to the petitioners also to participate in the fresh tender process, if any, initiated by the respondents.

4. The applications are disposed of accordingly.

CWPs No. 1816 & 1817 of 2018

5. Post on 11th November, 2019.

(V. Ramasubramanian)
Chief Justice

(Anoop Chitkara)
Judge

September 18, 2019
(rajni)