

CWP No. 533 of 2018 with CWP Nos. 1816 & 1817 of 2018

10.12.2019. Present: Mr. Kavin Gulati, Senior Advocate with Mr. Janesh Gupta & Ms. Niyati Kohli, Advocates for the petitioner in CWP No. 533 of 2018.

Mr. Kavin Gulati, Senior Advocate with Ms. Ayushi Amod, Ms. Niyati Kohli, Mr. Avi Tandon and Ms. Megha Kapur Gautam, Advocates, for the petitioner in CWP No. 1816 of 2019.

Mr. R.K. Gautam, Senior Advocate with Ms. Megha Kapur Gautam, Advocate, for the petitioner in CWP No. 1817 of 2018.

Mr. Ashok Sharma, AG with Mr. Vikas Rathore, Addl. AG, for the respondents.

CMP No. 14610 of 2019 in CWP No. 1816 of 2018

In this application, the interim order dated 18.9.2019 passed in CMP No. 8629 of 2019 has been sought to be clarified to the extent that thereby the interim order dated 6.8.2018 passed in CMP No. 7405 of 2018 has been vacated to the extent the same has created bar on re-allotment of the Reoli Dugli Hydro Electric Project and the respondent-State permitted to re-allot the same to someone else, however, not that part of the order whereby the status quo was ordered to be maintained qua forfeiture of the INR amount Rupees Eighty Four Crores (₹84,00,00,000/-) the petitioner deposited at the time of allotment of this project to it.

No reply is intended to be filed to this application and rightly so because the order dated 6.8.2018 could have only been vacated to the extent the same create bar to re-allot the project to someone else and not qua forfeiture of the INR amount, referred to hereinabove, for the reasons that the

petitioner itself is not interested to execute the project and as regard the INR amount Rupees Eighty Four crores, the same being subject matter of dispute in the present */is* cannot be permitted to be forfeited during the pendency of the writ petition. As a matter of fact, the forfeiture or refund, as the case may be, of this amount depends upon the final outcome of the writ petition. The order dated 18.9.2019 passed in CMP No. 8629 of 2019 is accordingly clarified. The application is allowed and stands disposed of.

CMP No. 14611 of 2019 in CWP No 1817 of 2018

In this application, the interim order dated 18.9.2019 passed in CMP No. 8021 of 2019 has been sought to be clarified to the extent that thereby the interim order dated 6.8.2018 passed in CMP No. 7408 of 2018 has been vacated to the extent the same has created bar on re-allotment of the Sach Khas Hydro Electric Project and the respondent-State permitted to re-allot the same to someone else, however, not that part of the order whereby the status quo was ordered to be maintained qua forfeiture of the INR amount Rupees Twenty nine crore and eighty lac (₹29,80,00,000/-), the petitioner deposited at the time of allotment of this project to it.

No reply is intended to be filed to this application and rightly so because the order dated 6.8.2018 could have only been vacated to the extent the same create bar to re-allot the project to someone else and not qua forfeiture of the INR amount, referred to hereinabove, for the reasons that the petitioner itself is not interested to execute the project and as regard the INR amount Rupees Twenty nine crore and eighty lac,

the same being subject matter of dispute in the present *lis* cannot be permitted to be forfeited during the pendency of the writ petition. As a matter of fact, the forfeiture or refund, as the case may be, of this amount depends upon the final outcome of the writ petition. The order dated 18.9.2019 passed in CMP No. 8021 of 2019 is accordingly clarified. The application is allowed and stands disposed of.

CMP No. 14265 of 2019 in CWP No. 1816 of 2018 &
CMP No. 14268 of 2019 in CWP No. 1817 of 2018

Reply be filed within two weeks. List on *6th January, 2020.*

(Dharam Chand Chaudhary),
Judge.

December 10, 2019,
(vs)

(Anoop Chitkara)
Judge.