

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA**CWP No. 16227 of 2025****Decided on: 15th October, 2025****M/s Lions Services****....Petitioner****Versus****State of H.P and others****...Respondents.***Coram***Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice****Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge***Whether approved for reporting?¹*

For the petitioner:

Mr. Adarsh K. Vashista & Mr. Shivom Vashista, Advocates.

For the respondents:

Mr. Arsh Rattan, Deputy Advocate General.

G.S. Sandhawalia, Chief Justice (oral)

The challenge in this CWP is to the awarding of the contract to the private respondent by M/s Bharat Cuisine Services Chefs and Caterers, on 08.10.2025 (Annexure P-7) on account of the fact that the cooked diet tender for the Zonal Hospital Mandi has been approved in pursuance of the notice inviting tender dated 14.01.2025 (Annexure P-2), for which it had applied. Apparently the petitioner was earlier L-1 and had been called on 21.02.2025, to finalize the tender rates and attend the office of the official respondents in view of the fact that the private respondent's bid had been rejected on technical ground, that he had been imposed a

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

penalty of ₹15,000/- and thus had incurred a disqualification of conviction. The said respondent had prayed to this Court in CWP No. 3469 of 2025, decided on 26.03.2025, and interim order dated 19.03.2025 had been passed in their favour and respondents were restrained from awarding the tender, while holding that only a criminal Court can convict a person, therefore, there is no disqualification.

2. Apparently, on account of the observations made by the Co-ordinate bench, the official respondents had re-considered the issue and instructions dated 25.03.2025 had been placed on record before the Co-ordinate bench which led the disposal of the writ petition dated 26.03.2025 as having been rendered infructuous, since the relief had been granted that it was a misinterpretation for rejecting the tender of the private respondent herein.

3. In such circumstances official respondents apparently have processed the case and now granted the tender to the said respondent being L-1, against the petitioner who was the earlier L-1.

4. Counsel for the petitioner's sole argument is that he has filed a review in the said writ petition and therefore, the contract should not be awarded to the private respondent.

5. Thus, we are of the considered opinion that keeping in view the interim order which had been passed, at the instance of respondent No. 4, at an earlier stage the matter could not be finalized. On disposal, the cases of both the petitioner and respondent No. 4 have been duly considered in terms of the NIT and once the private respondent, is now L-1, there should be no quarrel with the allotment of the award if in open competition his bid is lower than the present petitioner. The final order in the earlier round of litigation was passed in the presence of the present petitioner where he was respondent No. 4 and therefore, merely on account of filing the review petition the said challenge is untenable.

6. We are of the considered opinion that the essential services, as such of Cooked Diet services in the Zonal Hospital Mandi, cannot be held hostage on account of unwarranted litigation.

7. Resultantly, there is no merit in the present petition and same is dismissed.

(G.S. Sandhawalia)
Chief Justice

15th October, 2025
(Anurag)

(Jiya Lal Bhardwaj)
Judge