

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	25.03.2025		<p>WPMB No. 96 of 2025</p> <p><b><u>Hon'ble G. Narendar, C.J.</u></b></p> <p><b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Shiv Pandey, learned counsel for the petitioners.</p> <p>2. Mr. P.C. Bisht, learned Additional Chief Standing Counsel for the State.</p> <p>3. Mr. D.S. Patni, learned Senior Counsel assisted by Mr. Bhupendra Bisht, learned counsel for respondent No. 2.</p> <p>4. Petitioners before this Court are questioning the decision of the Nagar Palika to re-tender the auction of the Metropol parking.</p> <p>5. This question is no more <i>res integra</i>. The Tender Inviting Authority always has discretion to revoke the tender invitation for reasons to be recorded and there being no absolute right vested in the bidder, the writ petition, in our opinion is misconceived.</p> <p>6. Be that as it may, we have questioned learned Senior Counsel on what basis low base price of Rs. 44 Lacs was fixed, when it is a common knowledge that in weekends, the hills are choc-a-block with vehicles, such as buses, cars and two-wheelers.</p> <p>7. Learned Senior Counsel submits that the price was</p>

fixed on the basis of the successful bid given last year.

8. *Prima facie*, the approach, in our opinion, would result in humongous losses as the proposed parking charges are Rs. 25 for motorcycles, Rs. 110/- for light motor vehicles and Rs. 220/- for heavy motor vehicles, like buses, etc..

9. The parking charges ought to have been calculated after taking into consideration the number of vehicles visiting hills.

10. The ad-hoc method adopted, in our *prima facie* opinion, is arbitrary and is likely to result in huge losses to the Nagar Nigam. Hence, learned Senior Counsel to secure instructions from the Executive Officer of the Nagar Palika.

11. Let a copy of this order be also forwarded to the District Magistrate, Nainital forthwith.

12. List on 26.03.2025.

**(AlokMahra, J)**

25.03.2025

**(G. Narendar, CJ)**

25.03.2025

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