

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

**1<sup>st</sup> April, 2026**

**Recall Application (IA No. 6 of 2026)**

in

**Writ Petition (M/B) No. 96 of 2025**

Thakurji Enterprises A Proprietorship Firm and another  
-----Petitioners

**Versus**

State of Uttarakhand & others -----Respondents

**Presence:-**

Mr. Shiv Pandey and Ms. Jaiwani Singh Bhauria, Advocate holding brief of Mr. Vipul Sharma, learned counsel for the petitioners.

Mr. P.S.Bisht, learned Chief Standing Counsel, assisted by Mr. Gajendra Tripathi and Mr. Yogesh Tiwrai, learned Standing Counsel for the State of Uttarakhand.

Mr. D.S.Patni, learned Senior Counsel, assisted by Mr. Bhupendra Singh Bisht and Mr. Ajay Bisht. learned counsel for the respondent no.2/Nagar Palika Parishad, Nainital.

Mr. Manoj Kumar and Mr. Rajesh Sharma, learned Standing Counsel for the Union of India.

Ms. Medha Pande, special counsel.

Mr. Piyush Garg, learned counsel for the Hotel Association

**ORDER:**

1. The following reliefs have been prayed for in the present writ petition.

*"i) Issue a writ, order or direction in the nature of certiorari quashing the impugned summary dated 19.03.2025 (contained as annexure no. 4) to this writ petition) thereby further direct the respondent no.2 to open financial bid of technically responsive bidders and then proceed with the declaration of successful bidder.*

*ii) issue a writ, order or direction in the nature of certiorari quashing the retender advertisement (annexure no. 7) inasmuch the same has been published after illegal cancellation of the earlier tender process in*

*which there were 2 technically responsive renderers (including the petitioner)."*

2. The period for which the tender was invited has come to end on 31<sup>st</sup> March, 2026 and, therefore, the prayer made in the petition has become infructuous.

3. It appears from various orders passed in the present petition from time to time that this court at the time of hearing noticed that there are various issues of public importance pertaining to Nainital city, which is a tourist place and which needs monitoring by the court and, therefore, several directions have been issued on different aspects and in relation to which, status reports and compliance affidavits have also been filed.

4. As regards, various larger issues, which are under consideration, we direct the office to register a separate PIL while closing the proceedings of the instant writ petition. The record of the instant petition would remain tagged with the PIL to be registered by the office in compliance of the instant order and the proceedings of the PIL would be treated to be in

continuity of the proceedings held so far in respect of the larger issues.

5. The Nagar Palika has filed an application for recall of order dated 15.04.2025 to the extent it restricts the Nagar Palika to establish and manage the tolls at Bara Pathhar and Phansi ka Gadhera and toll at Talli Tal itself. The case of Nagar Palika Parishad is that it has limited resources to run and manage the toll booths and which is adversely impacting the collection of revenue. Nagar Palika, therefore intends to float tender in respect of management and collection of tolls at Bara Pathhar and Phansi ka Gahera including the Toll at Tallital Riksha stand.

6. Mr. D. S. Patni, learned Senior counsel appearing for Nagar Palika Parishad, Nainital submits that the rates have been revised and now under a Notification dated 15<sup>th</sup> May, 2025, the charges for four wheeler for one trip using online mode / QR code is 300 Rupees and Rupees 200 for vehicles having UK04 number. He submits that the toll for four wheelers on cash basis has been revised to Rupees 500/- and for two wheelers to Rupees 100/- but the same has not

been implemented so far because of lack of resources to make the collection.

7. We feel that the prayer deserves to be allowed and the Nagar Palika Parishad should be given liberty to collect the toll through contractor.

8. Accordingly, we allow the Recall Application and permit the Nagar Palika Parishad, Nainital to float tender for the management and collection of toll tax at Bara Pathhar and Phansi ka Gadhera including the Taxi Riksha stand, Tallital. We clarify that the instant order is not an expression of any opinion with regard to the power of Nagar Palika Parishad, Nainital to collect toll through a contractor and in case, any such issue arises in any case, the same may be dealt with independently without being influenced by the instant order.

9. Accordingly, the Recall Application (IA No. 6 of 2026) stands disposed of.

**(MANOJ KUMAR GUPTA, C.J.)**

**(SUBHASH UPADHYAY, J.)**

Dated: 01.04.2026  
Kaushal

