

**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**

**Writ Petition (M/B) No. 172 of 2026**

Umang Uniyal

-----Petitioner

**Versus**

State of Uttarakhand & others

-----Respondents

**Presence:-**

Shri Dharmendra Barthwal, learned counsel for the petitioner.

Shri J.C.Pande, learned Standing Counsel for the State/respondents no. 1, 2 and 5.

**ORDER:**

1. On 21.02.2026, the second respondent issued a notice inviting e-tenders for settlement of a mining lease of Khasra No. 644, area 0.300 Hectare. The bids were to be submitted between 25.02.2026 and 05.03.2026. 06.03.2026 was fixed for opening of the technical bid. Clause 5 (7) stipulates that the bidder has to submit No Objection Certificate in respect of the lot, for which, tender is submitted. The No Objection Certificate should have been obtained after the publication of the e-tender notice. Thus, the time available for obtaining No Objection Certificate was after the issuance of e-tender notice dated 21.02.2026 and before opening of the technical bid, i.e., 06.03.2026.

2. The specific case of the petitioner is that as soon as the e-tender notice was issued, the petitioner submitted application for issuance of No Dues Certificate before the District Mining Officer on 26.02.2026, but the District Mining Officer refused to give a receiving. Consequently, the petitioner on 28.02.2026 sent the application by speed post. The tracking report of the Indian post shows that it was delivered in his office on 02.03.2026. The District Mining Officer did not issue No Dues Certificate and consequently, the petitioner in the check list of documents submitted along with his e-bid clearly stated that he had applied for No Dues Certificate before the District Mining Officer but it had not been issued to him. At the same time, the petitioner also submitted the No Dues Certificate issued to him by District Mining Officer on 13.02.2026 in respect of the same mining lot on basis of his previous application dated 11.2.2026, when tender for the same lot was invited in the past, but which came to be cancelled for unforeseen reasons. The case of the petitioner is that District Mining Officer somehow or the other wanted to exclude the petitioner from the competition and, therefore, he deliberately did not issue the No Dues Certificate. It is also the specific

case of the petitioner that no amount was due against him to the department and the said fact was clearly stated by the petitioner in his affidavit dated 26.02.2026 filed along with his application for issuance of No Dues Certificate.

3. It is also case of the petitioner that the petitioner had submitted bid of Rupees 22,01,000/- which is much above the bid of respondent no.4, being Rupees 13,93,200/- who has been declared successful.

4. Thus, the submission is that the entire exercise is *mala fide*. The procedure adopted by the respondents in respect of issuance of No Objection Certificate is also faulty and arbitrary and leaves enough discretion in favour of the respondents to exclude any person from the competition and that the exclusion of the petitioner was orchestrated by the mining officer, resulting in loss of public revenue.

5. Learned Standing counsel was directed to obtain instructions in respect of the amount at which bid of respondent no. 4 has been accepted and he accepts that the bid of respondent no. 4 was for Rupees 13,93,200/- much below the bid of the petitioner.

Learned Standing Counsel further states that on basis of application of the petitioner, on 02.03.2026 itself, a No Dues Certificate was issued in his favour.

6. It has not been disclosed in the instructions, as to how No Dues Certificate allegedly issued in favour of the petitioner on 02.03.2026 was communicated to him. In any event, we are not ready to believe that in case issuance of the No Dues Certificate was communicated to the petitioner, still the petitioner would not submit the same along with his bid and would state that the application was still pending and would rely on the previous No Dues Certificate and now approach this Court for redressal of his grievance.

7. On the face of which, the stand taken by the State in the written instructions does not inspire confidence and the entire exercise appears to be result of arbitrariness and *mala fide* on part of the State.

8. Issue notice to the respondent no.4 by speed post returnable within two weeks. Counter affidavit be filed by the respondents by the next date.

9. Meanwhile, the official respondents are restrained from proceeding ahead on basis of the bid of respondent no.4.

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

**(SUBHASH UPADHYAY, J.)**

Dated:01.04.2026  
Kaushal