

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5318/2006

(From the judgement and order dated 06/03/2006 in CMWP No.60236/2005,
CMWP No.25784/2004, CMWP No.52432/2005 and CMWP No.53304/2005 of The
HIGH COURT OF JUDICATURE AT ALLAHABAD)

UMESH KUMAR

Petitioner(s)

VERSUS

COMMNR., MERRUT DIV., MEERUT & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., prayer for interim relief
and office report)

With S.L.P. (C) No.5872 of 2006

(With appln(s) for exemption from filing O.T., prayer for interim relief
and office report)

Date: 24/07/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Mr. Mukul Rohtagi, Sr. Adv.

Mr. Rajpal Singh, Adv.

Mr. Dipak Kumar Jena, Adv.

Ms. Minakshi Jena, Adv.

Mr. Manas Chakraborty, Adv.

For Respondent(s)

Mr. L.N. Rao, Sr. Adv.

Mr. Dinesh Kumar Garg, Adv.

Mr. D.K. Gupta, Adv.

Mr. B.S. Billowria, Adv.

Ms. Chandan Ramamurthi, Adv.

Mr. R.C. Kaushik, Adv.

...2/-

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Mr. S.W.A. Qadri, Adv.

Mr. Kamendra Mishra, Adv.

Mr. Rajeev Kumar Dubey, Adv.

for Mr. Jatinder Kumar Bhatia, Adv.

Mr. P.V. Yogeswaran, Adv.

UPON hearing counsel the Court made the following

O R D E R

Exemption allowed.

Leave granted.

The civil appeals are allowed.

No costs.

[T.I. Rajput]

[V.P. Tyagi]

A.R.-cum-P.S.

Assistant Registrar

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3117 OF 2006

(Arising out of S.L.P. (C) No.5318 of 2006)

Umesh Kumar

...Appellant(s)

Versus

Commissioner, Meerut Division, Meerut & Ors.

...Respondent

(s)

W I T H

Civil Appeal No.3118 of 2006

(Arising out of S.L.P. (C) No.5872 of 2006)

O R D E R

Leave granted.

By the impugned order dated 6th March, 2006, passed by

the High Court directing that if Respondent No.5, namely, Ram Prasad, deposits with the Registrar General of the High Court a

sum of Rupees one crore on or before 13th March, 2006, the

Government will grant the contract of toll tax collection to him for

one year from 1st April, 2006 to 31st March, 2007, to the exclusion

of the appellant. The appellant was granted contract after the tenders had been invited for collection of toll tax for three years commencing from 1st April, 2004 and ending on 31st March, 2007.

Ram Prasad was one of the tenderers. The amount offered by Ram

...2/-

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Prasad in the tender was below that of the appellant. In fact, Ram Prasad was at serial number three. Since the appellant was the highest tenderer, the contract was granted to him. The appellant had also declined to accept it for one year as the advertisement was for three years and it was granted for three years. Under these circumstances, both on fact and in law, such an order directing the right of toll tax collection cannot be granted to Ram Prasad curtailing the contract period of the appellant and, that too, by an interim order passed pending the decision of the writ petition.

The impugned order is, accordingly, set aside and the civil appeals are allowed.

No costs.

.....CJI.
[Y.K. SABHARWAL]

.....J.

[C.K. THAKKER]

New Delhi,

July 24, 2006.