

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).28064/2010

(From the judgement and order dated 26/08/2010 in CMWP No. 51783/2010  
of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHIVALIK JAN SAMITI Petitioner(s)

VERSUS

STATE OF U.P.& ORS. Respondent(s)  
(With prayer for interim relief )

Date: 28/02/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr.Rakesh Khanna,Sr.Adv.  
Mohd.Fuzail Khan,Adv.  
Mr. Anil Kumar Tandale,Adv.

For Respondent(s) Mr.R.K.Gupta,Adv.  
R 1-4: Mr.Rajiv Dubey,Adv.  
Ms.Shweta Garg,Adv.  
Mr. Kamlendra Mishra,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed  
order. No costs.

(Sukadev Sarangi)  
A.R.-cum-P.S.  
(Signed order is placed on the file)

(M.S. Negi)  
Court Master

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2214 OF 2011  
(Arising out of S.L.P.(c) No.28064 of 2010)

Shivalik Jan Samiti Appellant.

Versus

## O R D E R

Despite service of notice, the Respondent Nos.5 & 6, who were the petitioners before the High Court in the Writ Petition, have not appeared to contest the matter.

In fact, the said Respondents have refused to accept notice of the present Special Leave Petition.

Leave granted.

The Appeal is directed against an interim order dated 26.8.2010, passed by the Allahabad High Court in C.M.P.W.No.51783 of 2010, whereby while issuing notice to the respondents, the High Court directed that until further orders of the Court, operation of the order dated 17.7.2010, passed by the Respondent No.3 with regard to Lot Nos.16 & 17 for the financial year 2010-2011, would remain stayed.

It may be mentioned at this stage that on an auction being invited for sale of minor fire produce gola dhatu comprising Lot Nos.16 & 17, the appellant herein was found to be the highest bidder having proposed the price in excess of 125.5 % and 151.5% of the reserved price. The challenge in the writ petition filed in the High Court by Respondent Nos.5 & 6 herein

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is that their offer was the highest and despite the same, the offer of the appellant herein was accepted.

The Respondent Nos.1 to 4 have filed a counter affidavit, wherein the offer of the Respondent Nos.5 & 6 and that of the appellant, have been set out in a chart showing the difference in the offers made by them.

Having considered the submissions made on behalf of the appellant as well as the State of U.P. and its Officers, and since the appellant was officially found to be the highest bidder as will be evident from the

chart submitted on behalf of the Respondent Nos.1 to 4,  
we allow the appeal and set aside the interim order  
passed by the High Court impugned in the appeal. The  
interim order having been set aside, the appellant will  
be at liberty to proceed in accordance with the contract  
awarded to it. Since on account of the interim order  
passed by the High Court the appellant has not been able  
to operate in terms of the contract made in its favour,  
it will be entitled to make a representation to the  
Respondent Nos.1 to 4 for proportionate extension of the  
period of contract and if such a representation is made,  
the same will be considered sympathetically.

.....J  
(Altamas Kabir)

.....J  
(Cyriac Joseph)

New Delhi,  
February 28,2011.