



# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

..... WRIT PETITION (CIVIL) ..... No. 26 of 2005

..... SHARANG SUBBA ..... Petitioner / Appellant

Versus

..... STATE OF SIKKIM & ANOTHER ..... Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	19.07.2005	<p>Heard Mr. S. S. Hamal assisted by Mr. Norden T. Bhutia, learned counsel for the petitioner, Mr. Sharang <b>Registration No.234</b> Subba, who is a Class I(A) Contractor/in the Sikkim Public Works Department. In this petition he sought for a direction upon the respondent No.1 - State/authority not to give any further effect in the matter of award of works pertaining to the construction of Police Barrack at Utteray, West Sikkim involving work value of Rs.24,34,119.00 on the basis of NIT published only in some selected newspaper like Hamro Prajashakti of the respondent No.2. In this writ petition, the petitioner also questioned the validity of the said NIT on the ground that it was not published in the Sikkim Herald, in the local newspapers and also in the other leading newspapers which is in complete violation of the related provisions of Rule 199 of the Sikkim Public Works Code of the Government of Sikkim. Resisting the motion of the petitioner, Mr. Karma Thinlay, learned Assistant Government Advocate appearing for the State - respondent No. 1,</p>	

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submitted that the petitioner has no locus-standi to question the validity of such NIT, and the awarding of the said work, inasmuch as, the petitioner is a Class I(A) category contractor and as such he can participate in the NIT or any other works for the work value of Rs.1 crore and above. Supporting his contention, Mr. Karma Thinlay had produced the related Government Notification dated 7.7.2003 pertaining to the tender limit of the contractors. We have perused it and we are of the view that this Notification is relevant and, accordingly, it is hereby formed as part of the record and marked as 'x' for identification. It is also contended by Mr. Karma Thinlay that the respondent/authority followed the provision of Rule 199 of Sikkim Public Works Code of Government of Sikkim thus publishing the NIT in the Sikkim Express and the other leading newspapers. The learned Assistant Govt. Advocate has also produced the copies of the other newspapers containing the related NIT. Be that as it may, upon hearing the learned counsel for the parties at some length, Mr. Hamal in his usual frankness submitted that the petitioner desires to withdraw this writ petition. We are <sup>not</sup> entering into the <sub>merit</sub> of the case as suffice is made with the above

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		<p>observation to allow the prayer of the writ petitioner to withdraw the writ petition.</p> <p>In the result, this writ petition is closed on withdrawal but, no order as to costs.</p> <p style="text-align: center;"> <b>( N. Surjamani Singh )</b> <b><u>Chief Justice (Acting)</u></b></p> <p style="text-align: center;"> <b>( A. P. Subba )</b> <b><u>Judge</u></b></p>	

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