

THE HIGH COURT OF SIKKIM: GANGTOK

(Civil Extra Ordinary Jurisdiction)

SINGLE BENCH: HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

W.P. (C) No. 28 of 2022

1. M/s. Ziqitza Health Care Ltd.,
(A Company incorporated under The Companies Act, 1956)
Through its Assistant Vice President,
Having its registered office at Sunshine Towers,
23rd Floor, Sunshine Tower, Senapati Bapat Marg,
Dadar West, Mumbai-400013.
And Having its Regional Office at:
Deepak Hardware Building,
Near Post Office, Daragaon,
Tadong Sikkim. 737102.
2. Mr. Milton Singh,
S/o Sikandar Prasad Singh,
Aged: 43 years,
Assistant Vice President,
Ziqitza Healthcare Ltd.

..... **Petitioners**

Versus

1. The State of Sikkim,
Through The Chief Secretary,
Sikkim Civil Secretariat,
Government of Sikkim,
Gangtok
East Sikkim-737101.
2. The National Health Mission (NHM),
Through its Mission Director,
State Health Society,
Department of Health & Family Welfare,
Government of Sikkim,
Gangtok- 737101
3. M/s Kuber World Pvt. Ltd.,
Above Bank of Baroda,
New Market, M.G. Road,
M.G. Marg,
Gangtok-737101.
4. M/s Rongkup Commercial,
MP. Turning Road, Tadong,
Tadong Ward, Gangtok
Pin No: 737102.

5. M/s Gyaltzen Commercial,
Near Omega Church,
Opp. FCI Office Development Area,
Gangtok, Sikkim,
737101.

..... **Respondents.**

Application under Article 226 of the Constitution of India.

Appearance:

Mr. T. R. Barfungpa, Mr. Hem Lall Manger and Ms. Tshering Laki, Advocates for the Petitioners.

Mr. Thinlay Dorjee Bhutia, Mr. Yadev Sharma, Government Advocates and Mr. Sujan Sunwar, Assistant Government Advocate for the Respondent Nos. 1 and 2.

05.08.2022

ORDER (ORAL)

Bhaskar Raj Pradhan, J.

1. The present writ petition sought to challenge the tender process of Operationalization of Integrated 102 and 108 Ambulance Service for the State of Sikkim which was opened on 16.06.2022 on various ground enumerated in the writ petition. On 23.06.2022 after hearing the learned counsel for the parties notice was issued to the respondents and the learned Additional Advocate General also assured that the Government shall not open the tender until directed.

2. Mr. Thinlay Dorjee Bhutia, learned Government Advocate appearing for respondent nos. 1 and 2 places on record Memo No.071/MEC/H&FW/22-23 dated 18.07.2022 under the signature of the Additional Chief Engineer (Mechanical) and the Superintending Engineer (Mechanical) of the Health and Family Welfare Department, Government of Sikkim which states that as none of the bidders qualified the technical evaluation the tender stands cancelled.

3. Mr. T.R. Barfungpa, learned counsel for the petitioners submits that he has been furnished with a copy of the said memo dated 18.07.2022 and since the tender has been cancelled the writ petition is rendered infructuous. The memo dated 18.07.2022 is taken on record and marked X. The writ petition is disposed of as infructuous.

(Bhaskar Raj Pradhan)
Judge

Internet : **Yes**
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