

**WP(C) No.53 of 2015**

M/s. Rosmerta Technologies Limited vs. The State of Sikkim and Others

**BEFORE**

**HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

20. 13-06-2017 Present : Mr. Sudhir Nandrajog, Senior Advocate with Mr. Udai P. Sharma and Mr. Anup Gurung, Advocates for the Petitioner.

Mr. J. B. Pradhan, Additional Advocate General with Mrs. Pollin Rai, Assistant Government Advocate and Ms. Sangita Chettri (Advocate, Motor Vehicle Division, SNT) for the State-Respondents No.1 to 3.

Mr. Karma Zimba Bhutia, ARTO, Motor Vehicle Division, SNT, in person.

Mr. Amanpreet Singh and Mr. Manish Kr. Jain, Advocates for Respondent No.4.

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1. I have heard Learned Counsel at length and carefully considered their submissions.

2. In sum and substance, the case of the Petitioner is that after his Bid was technically and financially evaluated, it was accepted by the State-Respondent No.2 for implementation of the High Security Registration Plates (for short "HSRP"). However, subsequent to such acceptance, the impugned letters dated 10-04-2015 & 14-05-2015 (Annexure P-2) and 28-07-2015 (Annexure P-3), were issued vide which the Petitioner's Bid in respect of the NIT No.05/MV/2014, dated 25-07-2014, was rejected. The cancellation of the right vested on the Petitioner was without issuance of a Show Cause thereby depriving the Petitioner an opportunity of being heard, by the State-Respondents No.2 and 3. In the absence of a Show Cause, the Petitioner had submitted a detailed representation on 12-05-2015 (Annexure P-12), however, this was not considered, but was rejected by the response of the Government which was bereft of any reasons.

3. Infact, the main ground put forth for non-acceptance of the HSRP Bid of the Petitioner by the State-Respondent No.2 was that, it had come to the notice of the State Government that the Petitioner as a part of a Consortium had bagged the contract for fixation of HSRP for Delhi. That, the Delhi Government had issued a Show Cause Notice for alleged violation of certain terms of the Contract Agreement. A Committee constituted by the Delhi Government had found the allegation to be true. The State Government finding this to be a serious lapse, had decided not to entrust the responsibility of affixing HSRP to the Petitioner Company. However, contrary to the opinion of the State-Respondent No.3 as expressed in the impugned letter dated 14-05-2015, the Petitioner is continuing performing the task of affixing HSRP in Delhi and no adverse steps have been taken by any Authority against the Petitioner. Hence, the impugned letters reflected hereinabove deserve to be set aside and the State Government be directed to issue Letter of Intent (LoI) to the Petitioner to enable them to commence their work.

4. Learned Additional Advocate General for his part conceded fairly that the contents of the impugned letters unequivocally reveal that the Petitioner Company was deprived of the opportunity of being heard, by the State-Respondents No.2 and 3, in clear violation of the principles of natural justice. Apart from the aforesaid violation, the impugned letters on the face of it do not bear any reason for rejection of the Petitioner's Bid. In such a circumstance, he has no objection if the impugned letters are set aside and directions are issued to the State-Respondents to consider the representation of the Petitioner.

5. The Respondent No.4 for his part submits that should this Court be inclined to direct the State Government to hear the representation of the Petitioner, a direction be issued to

the State-Respondents No.2 and 3 to afford the same opportunity to the Respondent No.4.

6. In view of the fact that the Respondent No.4 was not a party to the NIT, I am not inclined to grant this prayer of the said Respondent.

7. Considering the facts put forth and the submissions as reflected hereinabove, the impugned letters dated 10-04-2015, 14-05-2015 and 28-07-2015 are hereby set aside and the Writ Petition is disposed of with the following directions;

- (i) The State-Respondents No.2 and 3 will consider afresh the Representation dated 12-05-2015 of the Petitioner, addressed to the State-Respondent No.3, affording the Petitioner adequate opportunity of being heard, pursuant to which a reasoned order shall be issued by the State Government.
- (ii) The above exercise shall be completed within thirty days from today.
- (iii) In the event that the finding of the Government is in favour of the Petitioner, then the LoI shall be issued to the Petitioner within forty-five days of such finding.
- (iv) However, I hasten to add that no observation of this Court should prejudice the State-Respondents No.2 and 3 in arriving at its finding.

**Judge**  
13-06-2017

Index : ~~Yes~~/No

Internet : Yes/~~No~~