

**HIGH COURT OF SIKKIM**

Record of Proceedings

**WP(C) No.42/2018**

AJAY PAL MANGAL AND CO.

..... Petitioner.

VERSUS

DIRECTOR GENERAL, BORDER ROADS ORGANISATION AND ANR.

..... Respondents.

Date: 01/02/2019

CORAM :

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Petitioner : Mr. Ugang Lepcha, Advocate

For Respondent : Mr. Karma Thinlay, Central Government  
Counsel.

.....

**I.A No.02/2018**

Mr. Karma Thinlay, learned Central Government Counsel does not seek to press this application as it has become infructuous. Accordingly, this application is dismissed as infructuous.

**I.A No.03/2019**

This is an application for placing on record the letter numbered 24228/DGBR/Policy/INST/2019/03/E8 dated 10.01.2019 by one Mr. S.K Deota, IDCMS, Dir (Contracts), For Dte Gen Border Road to HQ ADHBR (North-West) regarding the experience criteria for working at the altitude of 1000 meters and above for model tender.

The Petitioner does not contest this application.

Application is allowed and the letter dated 10.01.2019 is taken on record.

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The grievance of the Petitioner in the present petition was regarding one of the conditions of the Notice Inviting Tender. An application has been filed by the Respondents dated 22.01.2019 placing on record letter bearing number 24228/DGBR/Policy/INST/2019 /03/E8 dated 10.01.2019 by which a decision has been taken to dispense with the experience criteria of working at an altitude of 1000 meters and above for works to be executed at a height of 2100 meters and above so as to attract more experienced contractors in Border Road Organization and to stimulate better competition in the interest of State.

Mr. Karma Thinlay, learned Central Government Counsel submits that in view of the said decision the Writ Petition has become infructuous as the Respondents would be withdrawing the tender and floating a new tender afresh.

Mr. Ugang Lepcha, learned Counsel for the Petitioner submits that in view of the decision taken, as reflected above, nothing further remains in the Writ Petition.

Without examining the merits of the letter dated 10.01.2019; as the impugned criteria of the Notice Inviting Tender which was challenged by the Writ Petitioner has been done away with and the Respondents desire to float a tender afresh, the present Writ Petition stands dismissed as infructuous.

Needless to say the *interim* Order passed earlier shall stand vacated.

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**I.A No.01/2018**

Consequently, the *interim* application for stay, stands dismissed.

**Judge**

01-02-2019

Index : ~~Yes~~ / No  
avi/ Internet : Yes / ~~No~~