



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPMB 276/2026 <b><u>Hon'ble Manoj Kumar Tiwari, J.</u></b> <b><u>Hon'ble Siddhartha Sah, J.</u></b></p> <p>Mr. Anil Kumar Joshi, Advocate, for the petitioner.</p> <p>Mr. Gajendra Tripathi, Standing Counsel, for the State.</p> <p>Mr. D.S. Patni, Senior Advocate, assisted by Mr. B.S. Bisht and Mr. Ajay Singh Bisht, Counsel for the Nagar Palika Parishad.</p> <p>(2) By means of this writ petition, petitioner has challenged Clause 14 of the tender notice dated 8.4.2026. As per that clause, one should possess a certificate, issued by a local body or any other government department of any hill State, that he has experience of minimum three years of collecting entry fee/tourist fee or should have experience of execution of related work worth two crores or more in a year.</p> <p>(3) It is contended that condition stipulated in Clause 14 of the tender notice is tailor-made to suit some persons and that not more than two or three persons would meet the condition of eligibility prescribed therein. It is contended that the system of collection of entry fee/octroi duty/toll tax has been abolished long back and, now, no local body in Uttarakhand or adjoining State collects entry fee or tourist fee, except Nagar Palika, Mussoorie and Nagar Palika, Nainital. It is further contended that the bids are invited from eligible persons to ensure that Nagar Palika Parishad gets maximum revenue by grant</p>



of contract for collection of entry fee/tourist fee, however by the condition mentioned in Clause 14, the very purpose of inviting bids or offers would be defeated as there would be only two or three bidders and the benefit, which would have accrued to Nagar Palika Parishad because of competition amongst bidders, would be lost.

(4) Mr. D.S. Patni, learned Senior Counsel appearing for Nagar Palika Parishad, has come up with a supplementary affidavit dated 20.4.2026, filed by Mr. Rohitash Sharma, Executive Officer (wrongly mentioned as Executive Engineer), Nagar Palika Parishad, Nainital, which is taken on record. Para 2 of the said supplementary affidavit is extracted below:

*"That the deponent clarifies that the condition no. 14 pertaining to experience provides that any entity/firm/tenderer who has experience of Hill area entry fees for a minimum of 3 years in local bodies/other government Departments would be eligible; Similarly any firm which has an experience of a minimum Rs. 2 Crores in any 1 year would also be eligible. The deponent further submits that the expression 'Ukta se sambhandhit koi ek karya' in Clause no. 14 of tender conditions refers to some work of local bodies and other Government Departments. Therefore the second portion of the said condition is relating to the certificate issued by the local authority/Government Department regarding successful conduction of work worth minimum Rupees Two Crores in any one year."*

(5) Mr. D.S. Patni submits that he has been instructed to make a statement that the condition mentioned in Clause 14 has been relaxed and no bid/offer shall be rejected only on the ground that the bidder does not possess certificate, issued by a local body or any other government department of any hill State, that he has experience of minimum three years of



collecting entry fee/tourist fee. He further submits that the other condition mentioned in Clause 14, namely, one should have experience of execution of related work worth two crores or more in a year, shall remain and every bidder shall be required to meet that condition of eligibility.

(6) Mr. Anil Kumar Joshi, learned Counsel for the petitioner, submits that in view of the stand taken in the supplementary affidavit and the statement made by Mr. D.S. Patni, grievance raised by the petitioner do not survive anymore. He submits that writ petition may be disposed of in terms of the statement made by Mr. Patni.

(7) Accordingly, the statement made by Mr. Patni is taken on record and the writ petition is disposed of in terms thereof.

(Siddhartha Sah, J.)

(Manoj Kumar Tiwari, J.)

20.04.2026

Pr



2026:UHC:2855-DB

--	--	--	--