

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM No. 3416-C of 2010 and
RSA No. 1122 of 2010(O&M)**

Date of Decision: March 19 , 2010

State of Punjab and others

..... Appellants

Versus

Nirmal Singh

..... Respondent

Coram: Hon'ble Mr. Justice Ajay Tewari

**Present: Mr.Sartaj Singh Gill, DAG, Punjab
for the appellants.**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Ajay Tewari, J.

CM No. 3416-C of 2010

For the reasons recorded, delay of 406 days in filing the present appeal is condoned.

CM stands disposed of.

RSA No. 1122 of 2010

This appeal has been filed against concurrent judgments of the Courts below decreeing the suit of the respondent for recovery of earnest money.

The appellants had put to auction the extraction of sand for the year 1996-97. The respondent was the highest bidder. He deposited 25% of the bid amount as per the notice inviting tenders. The grant of tender to the

respondent was, however, subject to the approval by the appellant No.2. Admittedly appellant No.2 did not approve the contract and thus the contract could not be awarded to the respondent. He consequently filed a suit for recovery of the amount he had deposited. Both the Courts having decreed the suit as mentioned above. The present appeal has been filed wherein the following questions have been proposed:-

- i) Whether the respondent-plaintiff is entitled to recover the amount while plaintiff has not fulfilled the condition of the sanction order?
- ii) Whether the respondent-plaintiff recovered the amount while 1/4th amount of bid deposited by the plaintiff stand forfeited?

In view of the finding of fact that the bid of the respondent was not approved thereby preventing the respondent from enjoying the benefits of his tender, the questions proposed do not arise.

Consequently this appeal as well as the application for stay are dismissed. No costs.

Since the main case has been decided, the pending Civil Misc. Applications, if any, stand disposed of.

(AJAY TEWARI)
JUDGE

March 19, 2010
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