

ITEM NO.11                      Court 6 (Video Conferencing)                      SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 20557/2021

(Arising out of impugned final judgment and order dated 07-09-2021 in MB No. 19791/2021 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

KIMBERLEY CLUB PVT. LTD.                      Petitioner(s)

VERSUS

KRISHI UTPADAN MANDI PARISHAD & ORS.                      Respondent(s)

(FOR ADMISSION and I.R. and IA No.163672/2021-EXEMPTION FROM FILING O.T. and IA No.163670/2021-EXEMPTION FROM FILING AFFIDAVIT )

Date : 17-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)      Mr. Dama Sheshadri Naidu, Adv.  
                                 Mr. Namit Saxena, AOR  
                                 Mr. Nirmitt Shrivastava, Adv.  
                                 Mr. Panshul Chandra, Adv.  
                                 Mr. Awnish Maithani, Adv.  
                                 Ms. Shivali Chaudhary, Adv.  
                                 Mr. Ananvay Anandvardhan, Adv.  
                                 Mr. Sidharth Chapalgaonkar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Applications for exemption from filing  
official translation and affidavit are allowed.

Learned counsel for the petitioner contends that the petitioner participated in the tender and was the highest bidder. At no point of time it was pointed out to the petitioner that there was any deficiency in the bid. However, the petitioner has

been excluded from the bid on the ground that he had not submitted a "solvency certificate". It is the say of the learned counsel for the petitioner that there was no mention of a solvency certificate but what had to be submitted was a "*Haisiyat Praman Patra*" and thus, the valuation certificate was submitted as certified by a Chartered Accountant. The judgment of the High Court is predicated on a reasoning that what was required was a solvency certificate which is issued by the office of the District Magistrate.

Issue notice returnable in four weeks.

In case the successful tenderer has not started the execution of the tender, no further work be done in pursuance to the tender and in case it has so started, it would be subject to the final orders to be passed by this Court.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)