



**Avinash Kumar vs. State of H.P. and others a/w connected matters.**

**CWP No.962 of 2023 a/w CWP Nos.5945 of 2021 and CWP No. 445 of 2022.** >

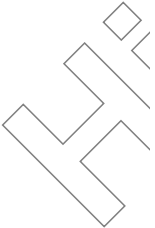
**22.06.2023.** Present: Mr. Vishwa Bhushan, Advocate, for the petitioner, in CWP No. 962 of 2023.

Mr. Anil Kumar, Advocate, for the petitioner(s), in CWP Nos.5945 of 2021 and 445 of 2022.

Mr. Yashwardhan Chauhan, Senior Additional Advocate General with Mr. Ramakant Sharma, Ms. Sharmila Patial, Additional Advocate Generals, Ms. Priyanka Chauhan, Deputy Advocate General and Mr. Rajat Chauhan, Law Officer, for the respondents-State.

S/Sh. Jatinder Singh, Chief Engineer (HZ) Vijay Chaudhary, S.E., HPPWD, Hamirpur, Pramod Kashyap, S.E., Dharampur, Vivek Sharma, Executive Engineer, Dharampur, Manish Kumar, A.E., Vipin Kumar, Sr. Asstt., Nek Ram, W.I., Dharampur, are present in person.

**CMP No.9915 of 2022 and CWP No. 5945 of 2021.**



Heard. Going by the conduct of the petitioner, whereby majority of the works, as awarded to him, have not been started and, if started, have not been completed, we deem it appropriate to vacate the interim order dated 24.09.2021. Ordered accordingly. The application stands disposed of.

2. However, that does not mean that the petitioner will get away lightly by not completing those of the works. The petitioner is directed to file an affidavit clearly setting out therein the timeline within which he would complete the works in question, which either have not been started or, if started, are in the mid-way, but have not been awarded to any other contractor thus far. It is also directed that not only the

respondents herein, but any other department of the State Government, Board or Corporation etc., as the case may be, would not release any amount in favour of the petitioner herein without the express leave of the Court.

3. A copy of this order be sent to the Chief Secretary to the Government of Himachal Pradesh, Engineer-in-Chief, HPPWD and Engineer-in-Chief, I &PH.

4. In the meanwhile, the Principal Secretary, HPPWD, is directed to initiate action against the erring official/officer(s) on account of whose negligence, despite the petitioner having defaulted, either in not commencing the works or stopping the same in the mid-way, no action was taken against him and rather they continued to award fresh works to him.

5. We are informed at the Bar that the petitioner has been awarded as many as 66 contracts/works. The Principal Secretary, HPPWD, shall take into consideration the status of these 66 works and any other works that may have been awarded to the petitioner.

6. List on **13.07.2023** on which date fresh status report be filed by the respondents.

**CWP No. 962 of 2023.**

7. Since, the interim order has been vacated in CMP No.9915 of 2022 in CWP No. 5945 of 2021, therefore, the respondents are at liberty to open the financial bid submitted by the petitioner and take consequential action, if any, required.

8. Accordingly, the Civil Writ Petition No. 962 of 2023 is disposed of in the aforesaid terms, so also the pending application(s), if any. >

**(Tarlok Singh Chauhan)**  
Judge

**(Satyen Vaidya)**  
Judge

**22<sup>nd</sup> June, 2023.**  
**(krt)**

