

Court No. - 3

Case :- WRIT - C No. - 8325 of 2024

Petitioner :- Laxmi Security Guard Services Thru.
Proprietor Priyanka Singh And Another

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Urban
Development Deptt. Lko. And 8 Others

Counsel for Petitioner :- Prafulla Tiwari

Counsel for Respondent :- C.S.C.,B.K. Singh,Namit
Sharma,Sankalp Dewari

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Brij Raj Singh,J.

Heard Shri Satish Chandra Mishra, learned Senior Advocate assisted by Shri Sunil Kumar Chaudhary and Shri Prafulla Tiwari, learned counsel for the petitioners, learned Standing Counsel for State-respondent no.1, Shri Sankalp Dewari, learned counsel for respondent nos. 2 to 5 and Shri J. N. Mathur, learned Senior Advocate assisted by Shri B.K. Singh, learned counsel for respondent no.6.

Learned counsel for the petitioner has pointed out the order dated 25.09.2024. A query was put to Shri Sankalp Dewari, learned counsel for Nagar Nigam as to whether the record has been sent from Nagar Nigam. He prays for time to produce the record. He says that he has got instructions from Nagar Nigam.

This kind of conduct on behalf of the Officials of Nagar Nigam is not appreciated at all. It is not as if the record relating to the tender issued by the respondents is a confidential document and the respondents are seeking privilege over it.

Put up this matter on **30.09.2024, as a first case on the Board.**

The Municipal Commissioner, Nagar Nigam, Lucknow shall remain present along with the record.

Learned counsel for the petitioner has alleged that the respondents are going to issue a letter of intent today itself.

Shri J.N. Mathur, learned Senior Advocate appearing for the respondent no.6 does not dispute this fact.

The issuance of Letter Of Intent to the successful bidder shall be subject to the result of the writ petition.

After this order was passed, Shri S.C. Mishra, learned Senior Advocate appearing for the petitioner, insisted that an interim order be granted without looking into the record of the Nagar Nigam. Although the counsel for Nagar Nigam, on the basis of instructions has said that in the earlier technical presentation done after submission of bids, all three bidders' including the petitioner's technical presentations were not found up to the mark.

Shri J.N. Mathur, who appears on behalf of the respondent no.6 has stated that the writ petition is full of concealment of correct facts and that he has got prepared a counter affidavit which he shall be filing.

We had proposed to put up the matter on 30.09.2024 to hear the parties, as there is a paucity of time and this Bench is only up to 01:15 p.m. There is a Full Bench matter listed at 02:15 p.m. However, the insistence of the counsel for the petitioner that an interim order be granted today and Letter Of Intent be directed not to be issued was not acceptable to the Court and the Court directed that such interim order shall be granted on 30.09.2024, if the petitioner is able to make out a case and after perusal of the record of the Nagar Nigam.

At this stage, Shri S.C. Mishra, learned Senior Advocate took umbrage and started shouting in the Court that the matter be decided finally today itself. At this, the Court asked Shri S. C. Mishra to argue the matter on merits. Shri S.C. Mishra refused to argue the matter on merits and he said that he does not wish to say anything as the court is inclined to pass order in favour of the respondents even without looking into the records and even without asking for counter affidavit from the respondents and that the court may pass any order as it pleases. The Court may

dismiss the matter also, for all he cares.

We requested Shri S.C. Mishra, pointing it out to him that he is a designated Senior Advocate and he should not make such kind of arguments in Court as it would set up a very bad example for all the junior lawyers who are present in the Courtroom today. However, Shri S.C. Mishra did not listen to the Court's request and continued in the same manner casting aspersions on the conduct of this Court proceedings and making personal imputation of malice. This conduct of a learned Senior Advocate has a tendency to scandalise and lower the dignity of the court.

We, therefore, refer the matter to the Hon'ble Chief Justice, High Court of Judicature at Allahabad for drawing of Criminal Contempt proceedings against Shri Satish Chandra Mishra, learned Senior Advocate.

(Brij Raj Singh, J.) (Sangeeta Chandra, J.)

Order Date :- 27.9.2024

Pks