

**Government of Jammu & Kashmir
Tourism Department Civil Secretariat,
Srinagar/Jammu**

Subject: W.P.(C) No. 1504/2021 titled Ajaz Aslam Khanday V/s Union Territory of Jammu & Kashmir and others.

Government Order No: 131 -J&K(TSM) of 2021

Dated: 01-12-2021

Whereas, Dodhpathri Development Authority issued an open auction notice inviting application from the registered persons for running cafeteria at Dodhpathri on 22.05.2017 vide No. CEO/DDA/228150-58 for a period of 22 months;

Whereas, the allotment order in favour of the petitioner namely Ajaz Aslam Khanday was issued by Chief Executive Officer, Dodhpathri Development Authority by virtue of order No. CEO/DDA/499 dated 06.03.2019 for running the cafeteria within the premises of Dodhpathri Tourist spot, w.e.f, 06.03.2019 for an amount of Rs. 1,50,000/- for first year (11 months) and extra 10% over it for next year (11 months) which works out to be Rs. 1,65,000/-;

Whereas, the petitioner deposited first year amount of Rs. 1,50,000/- in the office of Dodhpathri Development Authority. The petitioner made a representation before Dodhpathri Development Authority for extension of outsourcing period of cafeteria for reasonable period due to the loss suffered by the prevailing circumstances in the valley which was forwarded to the Administrative Department, Tourism;

Whereas, the cafeteria was allotted to the petitioner for a period of 22 months w.e.f 06.03.2019 to 05.01.2021. The Dodhpathri Development Authority issued notice dated 04.01.2021, whereby, the petitioner was asked to handover back the possession of cafeteria to Junior Engineer, Dodhpathri Development Authority afternoon of 05.01.2021 and was also asked to deposit the amount of Rs. 1,65,000/- for the second year;

Whereas, the outsourcing period of the cafeteria ended on 05.01.2021, but till date despite passing of more than 09 months the petitioner is in possession of the cafeteria and has not handed over back the possession of the Cafeteria to Dodhpathri Development Authority despite serving a number of notices that too without any payment;

Whereas, Dodhpathri Development Authority issued E-Outsourcing notice No. 01 of 2021 dated 20.07.2021 in terms of which E-outsourcing bids were invited on unit basis from general public for cafeteria at Dodhpathri also;

Whereas, the petitioner approached the Hon'ble High Court and filed writ petition bearing W.P.(C) No. 1504/2021 titled Ajaz Aslam Khanday V/s Union Territory of Jammu & Kashmir and others before the Hon'ble High Court wherein challenged notice No. 01 of 2021 dated 20.07.2021 in terms of which e-outsourcing bids have been invited;

Whereas, the Hon'ble High Court vide order dated: 15.08.2021 disposed of the writ petition, the operative part of which is reproduced as under:

"The respondent no. 1 to consider the representation of the petitioner claimed to have been submitted by him and recommended by respondent no. 3, of course, on its own merits and in accordance with law, rules and regulations occupying the field within a period of six weeks from the date of service of this order upon the respondents uninfluenced by any observation made by this court. Till then the process initiated in terms of e-outsourcing Notice No. 01 of 2021 dated 20.07.2021 in respect of Cafeteria at Doodhpathri figuring at S.No. 8 of the notice shall remain on hold."

Now, in compliance to Hon'ble High Court direction dated 15.08.2021, the claim/representation of the petitioner namely, Mr. Ajaz Aslam Khanday for extension of allotment has been considered and found without any justification as the Cafeteria at Dodhpathri was allotted to the petitioner for a period of 22 months, w.e.f, 06.03.2019 for an amount of Rs. 1,50,000/- for first year and extra 10% over it for next year which works out to be Rs. 1,65,000/-. The petitioner is illegally holding the possession of the cafeteria for more than nine months and being defaulter has also not deposited the requisite amount of Rs. 1,65,000/- for the second year despite serving notices dated: 04.01.2021, 13.03.2021 and 27.03.2021 by Dodhpathri Development Authority.

By order of the Government of Jammu and Kashmir.

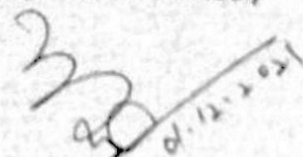
Sd/-
(Sarmad Hafeez) IAS
Secretary to the Government

No.: TSM-Legl/42/2021-E-42448

Dated: 01.12.2021.

Copy to the:

1. Director Tourism, Kashmir.
2. Chief Executive Officer, Dodhpathri Development Authority.
3. Senior Law Officer, Tourism Department.
4. Pvt. Secretary to Commissioner/Secretary to the Government, Tourism Department.
5. Mr. Ajaz Aslam Khanday S/o Mohammad Aslam Khanday R/o WatredDaibal, Khansahab, Budgam.
6. Govt. Order File.


(Arshid Hussain Bhat)
Under Secretary to the Government
01.12.21