IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
CWP No.492 of 2016
Decided on 08th October 2026

Khushi Ram Nautiyal

…Petitioner

Vs.

State of Himachal Pradesh and others

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

[1]Whether approved for reporting?

For the petitioner : Mr. Harish Dod, Advocate.

For the respondents : Mr. Sushant Keprate, Additional Advocate General.

Ajay Mohan Goel, Judge *(Oral)*

By way of this writ petition, the petitioner has, inter alia, prayed for the following reliefs:-

> *"1. That the impugned orders dated 25.042015 and 21.08.2015 as Annexure P-5 and P-6 ordering to effect recovery of Rs.8,04,857/- from the petitioner may kindly be quashed and set aside.*
>
> *2. That the respondents be directed to allow petitioner to participate in the future tenders/bids."*

2. When this case was taken up for consideration today, learned Additional Advocate General points out that the petitioner has approached this Court without availing the statutory remedy of appeal in terms of Section 10 of the Himachal Pradesh Tolls Act, 1975.

High Court of H.P.

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3. Mr. Harish Dod, learned counsel for the petitioner submits that being an old writ petition, the same be disposed of by granting liberty to the petitioner to file an appeal, but, with the observation that as the petitioner was pursuing his remedy *bona fidely* before this Court, limitation may not come in his way in filing the appeal.

4. Having heard learned counsel for the petitioner as also learned Additional Advocate General and taking into consideration the fact that the impugned orders dated 25.04.2015 and 21.08.2015 were assailed by the petitioner by way of a writ petition filed in the year 2016, we are disposing of this petition with the observation that in case the petitioner files appeal against the orders before the Appellate Authority within a period of 60 days from today, then, the appeal shall be deemed to have been filed within limitation and shall be decided on merit. However, in case, the appeal is not filed within the said period, then this protection granted to the petitioner shall cease to operate.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

October 08, 2026
(Vinod)

High Court of H.P.

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