

(2021) 06 GAU CK 0127

Gauhati High Court

Case No: Writ Petition (Civil) No. 3145 Of 2021

Partha Kumar Nath

APPELLANT

Vs

State Of Assam And 6
Ors

RESPONDENT

Date of Decision: June 23, 2021

Acts Referred:

- Constitution Of India, 1950 - Article 226

Hon'ble Judges: Kalyan Rai Surana, J

Bench: Single Bench

Advocate: H I Choudhury

Judgement

1. Heard Mr. N.J. Khataniar, learned counsel for the petitioner and Mr. D. Nath, learned Senior Government Advocate appearing for the respondent

nos.1 to 5.

2. Aggrieved by holding the petitioner to be non-responsive in connection with his tender submitted in respect of package No.SE/HMB/SOPD-G/20-

21/3, the petitioner has approached this Court by filing this writ petition under Article 226 of the Constitution of India.

3. The learned counsel for the petitioner submits that the petitioner had participated in bids for packages which were opened together in respect of

another package his bid was found responsive and identical with, he was found not responsive.

4. Opposing the prayer for interim relief in this writ petition, the learned Senior Government Advocate submits that as per the Annexure-I appended to

the writ petition, the date of opening of financial bid was on 01.06.2021 and therefore he has no instructions as to the present state of affairs relating to the tender in question and it is submitted that as this matter relates to PMGY work, there is every possibility that the tender has been finalized. It is also submitted that both the bids were in respect of different works and therefore merely because of the bid of the petitioner is found responsive in one tender, it is quite possible that in view of the nature of work required to be done in second contract he is found non-responsive.

5. Issue notice returnable on 14.07.2021.

6. As the learned Senior Government Advocate accepts notice on behalf of the respondent nos.1 to 5, requisite additional copies of the writ petition be furnished to him in course of the day today. The petitioner shall take steps for service of notice on the respondent nos.6 and 7 within 2(two) days by registered post with A/D and also through courier by routing the process through the Registry of this Court and upon service an affidavit of service may be filed prior to the next date of listing.

7. In view of the nature of grievance raised in the present writ petition, in the interim the Court is inclined to provide that till 14.07.2021, i.e. till the next date of listing, the respondent nos.1 to 5 shall not finalize the above referred tender.

8. The petitioner is permitted to serve downloaded copy of the order on the respondent no.3 and the said authority is at liberty to verify the correctness of the order from the website of the Court and act accordingly.

9. In the event, any work order has been issued, the same shall be subject to further orders that may be passed on the next date.

10. List the matter on 14.07.2021.