

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.349 OF 2022**

DN Constructions,
Mandoppara, rajbari,
Dharmanagar, North Tripura,
Representated by Shri Dipan Nath,
A partner and the constituted Attorney of
Another Partner, Shri Mantu Debnath,
Aged about 27 years.

..... **Petitioner(s)**

Vs.

1. The State of Tripura,

To be represented by the Secretary to the Government of Tripura, Public Works Department, (DWS), New Secretariat Complex, Agartala, P.O. Agartala Secretariat-799010, District-West Tripura.

2. The Chief Engineer,

Government of Tripura,
Public Works Department(DWS),
Gurkhabasti, Agartala,
P.O. Kunjaban, 799006,
District-West Tripura.

3. The Superintending Engineer,

Government of Tripura,
Public Works Department(DWS),
P.O. Kumarghat,
District- Unakoti, Tripura.

4. The Executive Engineer,

Government of Tripura,
Public Works Department(DWS),
Division-Dharmanagar,
P.O.- Dharmanagar,
District- North Tripura.

..... **Respondent(s)**

For the Petitioner(s) : Mr. S.M. Chakraborty, Sr. Advocate.
Ms. A. Pal, Advocate.

For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mr. S. Saha, Advocate.

Date of hearing and delivery of
Judgment & Order : 18.01.2023.

Whether fit for reporting : YES/NO.

**HON'BLE THE CHIEF JUSTICE(ACTING)
HON'BLE MR. JUSTICE ARINDAM LODH**

JUDGMENT AND ORDER(ORAL)

The brief fact of this instant writ petition is that respondent No.4 floated a PNle-T dated 20.01.2022 concerning 12(twelve) numbers of works against 12(twelve) numbers of DNle-Ts showing the estimated cost and earnest money thereof with reference to a particular work. Being eligible in all respect, the petitioner uploaded the e-Tender with reference to 6(six) numbers of works which were formal in all respect and were found as such by respondent No.4 after opening the tenders. The said tenders of the petitioner were also lowest in rate and when he was having a reasonable expectation that since the tenders submitted by him were all formal and lowest in rate, the said tenders would be processed for issuing work order and execution of the formal agreement by respondent No.4, the respondent No.4 by issued purported corrigendum dated 21.03.2022 and cancelled the said PNle-T containing

12(twelve) numbers of works indicating the DNIE-T with reference to which the petitioner submitted the tenders. Being aggrieved by the said actions, the petitioner served a notice of demand dated 25.03.2022 but with no result.

2. Aggrieved thereby, the petitioner filed this instant petition and prayed for the following reliefs:-

" Issue Rule NISI upon the respondents to show cause as to why all the records pertaining to the PNIE-T dated 20.01.2022(Annexure-2) shall not be produced before the Hon'ble Court for its examination and satisfaction;

AND

As to why a writ of Certiorari shall not be issued cancelling/quashing the Corrigenda dated 21.03.2022(Annexures-15 to 20) by which the PNIE-T dated 20.01.2022(Annexure-2) was cancelled.

AND

As to why a writ of Mandamus shall not be issued commanding upon the respondents to accept the 6(six) number of tenders of the petitioner submitted with reference to DNIE-T No.161/SE/DWS/C/KGT/2021-22, DNIE-T No.164/SE/DWS/C/KGT/2021-22, DNIE-T No.165/SE/DWS/C/KGT/2021-22, DNIE-T No.166/SE/DWS/C/KGT/2021-22, DNIE-T No.167/SE/DWS/C/KGT/2021-22 and DNIE-T No.168/SE/DWS/C/KGT/2021-22 and issue work orders followed by execution of formal agreement with the petitioner;

AND

As to why a writ of Prohibition shall not be issued restraining the respondents from issuing any fresh tender with reference to the works mentioned in the DNIE-T as named in the prayer No.(d) above till disposal of the Writ petition;

AND

Any other appropriate order or direction as this Hon'ble Court deems fit and proper, under the facts and circumstances of the case, may kindly be passed."

3. Heard Mr. S.M. Chakraborty, learned Sr. counsel assisted by Ms. A. Pal, learned counsel appearing for the

petitioner as well as Mr. D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

4. Mr. S.M. Chakraborty, learned Sr. counsel appearing for the petitioner submits that the instant matter relates to the cancellation of tender after acceptance. The tenders were cancelled by issuing corrigendum dated 21.03.2022. Learned Sr. counsel argued that the said corrigendum dated 21.03.2022 is arbitrary as the same is passed without disclosing any reasons.

5. After hearing both sides and perusing the evidence on record, this Court is of the opinion that the impugned corrigendum dated 21.03.2022 is a non-speaking proceeding and the same is liable to be set aside. Accordingly, all corrigendum dated 21.03.2022 vide Memo Nos.F.27(1)/EE/DWS/DMR/21169, F.27(1)/EE/DWS/DMR/21172, F.27(1)/EE/DWS/DMR/21173, F.27(1)/EE/DWS/DMR/21174, F.27(1)/EE/DWS/DMR/21175 and F.27(1)/EE/DWS/DMR/21176 is set aside and the matter is remanded back. The respondent authority is to consider the case of the petitioner afresh in the light of the tender schedule, and pass an appropriate order within a period of 2(two) weeks from the date of receipt of the copy of this order.

6. With the above observation and direction, this instant writ petition is disposed of. Consequently, pending application(s), if any also stand closed.

JUDGE

CHIEF JUSTICE (ACTING)

suhanjit

