

GAHC040001942023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C) 74/2023

1:M/s K. J Enterprises
Represented by its Proprietor,
Mr. Kakar Jamoh,
S/o Late Takek Jamoh,
R/o Pangin Town,
PO/PS Pangin,
Siang District, Arunachal Pradesh.
Mob. No. 9862508562

VERSUS

1:THE STATE OF AP and 8 Ors.
Represented by the Secretary/Commissioner, PHE and WS Department, Govt. of
Arunachal Pradesh, Itanagar.

2:The Chief Engineer
(EZ)
PHE and WS Department
Govt. of Arunachal Pradesh
Itanagar.

3:The Executive Engineer
PHE and WS Department
Pangin Division
PO/PS Pangin
Siang District
Arunachal Pradesh.

4:The Superintending Engineer
PHE and WS Department Pangin Circle
PO/PS Pangin

Siang District
Arunachal Pradesh.

5:The Assistant Engineer
PHE and WS Sub Division
Pangin
PO/PS Pangin
Siang District
Arunachal Pradesh.

6:M/s TP Construction Agency
Represented by its Proprietor Shri Tanong Padung

R/o Yemsing Village
PO Kebang
PS Pangin
Siang District
Arunachal Pradesh.

7:M/s MK Traders
Represented by its Proprietor Shri Taram Tamin

R/o Pangin Town
PO/PS Pangin
Siang District
Arunachal Pradesh.

8:Katem Gammeng
R/o Tarak Village

PO/PS Pangin
Siang District
Arunachal Pradesh.

9:M/s L.G Siang Agency
Represented by its Proprietor Shri Lenzing Gao

R/o Pangin Town
PO/PS Pangin
Siang District
Arunachal Pradesh

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 14-02-2023

Heard Mr. B. Kamdak, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Addl. Senior Govt. Advocate for the State respondents.

By means of this writ petition filed under Article 226 of the Constitution of India, the petitioner has put to challenge the Notice dated 03.02.2023, issued by the Executive Engineer, PHE & WS Division, Pangin, Arunachal Pradesh, vide Memo. No.PHED/PGN/NIT/JJM/BLG-PGN/01-05/2022-23/5001-5005, whereby the bid submitted by the petitioner, pursuant to the NIT dated 12.01.2023 issued by the Executive Engineer, PHE & WS Division, Pangin, Arunachal Pradesh, vide No.PHED/PGNNIT/JJM/BLG-PGN/01-05/2022-23/4891-05, inviting item rates tenders from eligible registered contractors as per the *Arunachal Pradesh District based Entrepreneurs and Professional(Incentives, Development and Promotional) Act 2015*(hereinafter "the Act of 2015") for the work, "Augmentation of water supply to Lokpeng, Lokpeng Raper, and Lokpeng Lower Mobom. S/O No.Sectt/PHE(S)-JJM/2022/142, dated 28/12/2022, under package No. PHED/PGNNIT/JJM/BLG-PGN/04/2022-23", for an estimated cost of Rs.31,59,348.00, on the ground that a complaint was raised by the co-participants for possessing two numbers of Permanent Residential Certificates(PRCs) by the petitioner.

In the NIT dated 12.01.2023, one of the requirement to be submitted along with the bid was the Permanent Residential Certificate. The requirement of submitting a PRC was because of the fact that under the *Arunachal Pradesh District based Entrepreneurs and Professional(Incentives, Development and Promotional) Act 2015*, if

the value of work for which the NIT has been issued is Rs.31,59,348.00, only the Class-IV & V categories of contractors registered under the Act of 2015 and domiciled within the territorial jurisdiction of community block are eligible to participate in such a tender. It was to ascertain as to whether the bidder is a permanent resident of a community block, in question, the PRC was required to be submitted.

In the instant case, the petitioner appears to have two numbers of PRCs, which would be evident from the Permanent Residential Certificate dated 04.10.2016, issued by the Deputy Commissioner, Pangin, Siang District, vide Memo. No.SD/JSK-02/342/016, showing the petitioner to be a permanent resident of Pangin and the application dated 14.11.2022, written to the Deputy Commissioner, Siang District, Boleng, praying for cancellation of ST/PRC issued in his name, showing the petitioner to be a permanent resident of Mopit village at Boleng. Thus, the petitioner herein appears to have two PRCs: (i) of the Pangin as well as (ii) of the Mopit village, Boleng.

Accordingly, the rejection of the petitioner's bid vide the impugned Notice dated 03.02.2022, issued by the Executive Engineer, PHE & WS Division, Pangin, Arunachal Pradesh, vide Memo. No.PHED/PGN/NIT/JJM/BLG-PGN/01-05/2022-23/5001-5005, on the ground of a complaint having been received from the co-participants for possessing two numbers of PRCs by the petitioner appears to be justified. Accordingly, I find no merit in the instant writ petition requiring interference by this Court in exercise of the extra-ordinary power under Article 226 of the Constitution of India and the same stands dismissed.

JUDGE

Comparing Assistant