

GAHC040002222023



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

Case No. : WP(C) 98/2023

1:M/s G.T Enterprises

Represented by its Proprietor Tajing Tatak, having its registered office at Village
Pressing, PO and PS Jomlo Mobuk, Siang District, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP and 7 Ors.

Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.

2:The Commissioner

(Public Works Department)

Govt. of Arunachal Pradesh

Itanagar.

3:The Chief Engineer

Central Zone B

Public Work Department

Govt. of Arunachal Pradesh

Itanagar.

4:The Superintending Engineer

Public Work Department

Boleng Circle

Govt. of Arunachal Pradesh

Itanagar.

5:The Executive Engineer

Rumgong Division

Public Work Department

Siang District

Arunachal Pradesh.

6:The Tender Scrutiny Board
Headed by its Chairman
the Superintending Engineer
Public Work Department
Boleng Division
Camp Pasighat
East Siang District
Arunachal Pradesh.

7:M/s Rokom Siang Enterprises
Represented by its Proprietor Shri Taja Tatin
having its registered office at Village Lorging
PO Pessing
PS Rumgong
Siang District
Arunachal Pradesh.

8:M/s KBAKT Enterprises
represented by its proprietor Smt. Yaman Talom
having its registered office at Rumgong
PO/PS Rumgong
Siang District
Arunachal Pradesh

Advocate for the Petitioner : T Tayeng

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 24.02.2023

Heard Mr. T. Tayeng, learned counsel for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate representing the State respondents.

The order put to challenge in this writ petition is a communication dated 10.02.2023, issued by Superintending Engineer, Public Work Department, Boleng Circle, stated to have been received by the petitioner by an e-mail on 10.02.2023, whereby, it has been informed that the bid submitted by the petitioner pursuant to NIet dated 11.11.2022, issued by the Executive Engineer, Rumgong Division, Public Works Department, Arunachal Pradesh, vide NIT No. RUM/Works/NHM/NIT/2022-23 for construction of "*6 Bedded Day Care at PHC, Pessing, Siang District*" has been found to be non-responsive.

The contention of the petitioner in the writ petition assailing the aforesaid impugned rejection e-mail dated 10.02.2023 is that no reason has been assigned for rejection of the petitioner's bid.

In view of the above, this Court by an order dated 21.02.2023, had directed the learned Senior Government Advocate to receive instruction in the matter. Pursuant thereto, the learned Senior Government Advocate has produced before this Court a letter dated 04.02.2023, written to the petitioner by the Executive Engineer, Rumgong Division, PWD, A.P. vide No. RUM/NIT/NHM/2022-23/825-827, whereby, the petitioner was informed that the bid submitted by the petitioner was found to be non-responsive on account of non-submission of original Solvency Certificate and original Banker's Certificate as per Clause no. 23 & 7 of Special Conditions, Rules and Amendments of Contract in the SBD.

The learned counsel for the petitioner submits that the aforesaid letter dated 04.02.2023, produced by the learned Senior Government Advocate was not communicated to the petitioner until the instant writ petition was

filed on 16.02.2023. However, he submits that petitioner has informed him that the letter dated 04.02.2023 has been received by the petitioner on 22.02.2023. A copy of the aforesaid letter dated 04.02.2023 has now also been furnished to Mr. Tayeng, learned counsel for the petitioner by Mr. Tapin, learned Senior Government Advocate.

Though the learned Senior Government Advocate has contended that the letter dated 04.02.2023 was communicated to the petitioner, but, since the petitioner is disputing the receipt of the aforesaid letter dated 04.02.2023, until the writ petition was filed on 16.02.2023 and Status-quo order dated 21.02.2023 was passed by this Court, It is deemed appropriate that an opportunity may be granted to the petitioner to assail the letter dated 04.02.2023, written to the petitioner by the Executive Engineer, Rumgong Division, PWD, A.P., by means of filing a fresh writ petition, if so advised.

To enable the petitioner to file a fresh writ petition, if so advised, challenging the aforesaid letter dated 04.02.2023, written to the petitioner by the Executive Engineer, Rumgong Division, PWD, A.P., 10 days time is granted to the petitioner.

Accordingly, Status-quo order dated 21.02.2023 passed in this writ petition is extended for further 10 days from today.

A copy of the letter dated 04.02.2023, written to the petitioner by the Executive Engineer, Rumgong Division, PWD, A.P. vide No. RUM/NIT/NHM/2022-23/825-827, produced before this Court by the learned Senior Government Advocate is taken on record which shall form part of the record and shall be marked as "X" for identification.

It is needless to say, if the petitioner does not file a fresh writ petition within the period stipulated herein above, the Status-quo order passed on 21.02.2023, extended for 10 days shall cease to operate after expiry of 10 days.

The writ petition stands disposed of with the above direction.

JUDGE

Comparing Assistant