

GAHC040002922023



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

Case No. : WP(C) 111/2023

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 6 Ors,
Represented by Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.

2:The Commissioner
(Public Work Department)
Govt. of Arunachal Pradesh
Itanagar

3:The Chief Engineer Officer
Central Zone B
Public Work Department
Pasighat
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 Circle
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 Rungong
Siang District
Arunachal Pradesh

Advocate for the Petitioner : T Tayeng

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 03-03-2023

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

2. The order put to challenge is dated 04.02.2023, issued to the petitioner by the Executive Engineer, Rungong Division, PWD, vide No. RUM/NIT/NHM/2022-23/825-827, whereby, the bid submitted by the petitioner pursuant to NIT, dated 11.11.2022, issued by the Executive

Engineer, Rumgong Division, PWD, vide NIT No. RUM/Works/NHM/NIT/2022-23, for "*Construction of 6 (six) bedded Day Care at PHC, Pessing, Siang District*", has been rejected for non-submission of original Bank Certificate and Solvency Certificate as per Clause nos. 7 & 23 of Special Conditions, Rules and Amendments of Contract in the SBD.

3. Under Special Conditions, Rules and Amendments of Contract for the NIT issued under Clause nos. 7 & 23, thereof, the bidders are required to submit Bank Certificate of 25% of tendered value in the official letter pad of the issuing bank and solvency certificate in original amounting to 50% of the tendered amount along with the bid.

The procedure under e-tendering-instructions to bidders for the NIT, dated 11.11.2022, also provides under Clause-2 (iii) that bank certificates as specified in the bid documents along with other documents that are required to be submitted have to be submitted in original before opening of the technical bid to the Executive Engineer, Rumgong Division, PWD.

4. It is the case of the petitioner that Bank Certificate and Solvency Certificate in original was submitted during the opening of the technical bid on 05.12.2022.

5. Mr. Tapin, learned Senior Government Advocate on the basis of the record received, submits that though the petitioner had submitted hard-copy of the bid along with the documents appended, thereto on 05.12.2022, but all the documents submitted by the petitioner including solvency certificate and bank certificate were not in original and the same were submitted in scanned format.

6. The record received from the Department has also been shown to the learned counsel for the petitioner, Mr. Tayeng, who, on perusal of the records, is also in agreement that the solvency certificate and the bank certificate submitted by the petitioner are not in original.

7. In view of the above, since the petitioner has failed to submit its bid as per the terms and conditions of the NIT, dated 11.11.2022, issued by the Executive Engineer, Rumgong Division, PWD, vide NIT No. RUM/Works/NHM/NIT/2022-23, no interference is called for to the impugned letter, dated 04.02.2023, issued to the petitioner by the Executive Engineer, Rumgong Division, PWD, vide No. RUM/NIT/NHM/2022-23/825-827.

8. The writ petition accordingly stands dismissed being devoid of merit.

JUDGE

Comparing Assistant