

GAHC040004962023



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

Case No. : PIL 8/2023

1:Shambo Flago
S/o Late Safar Flago,
R/o House No. 34, Rayo Colony, Mowb I, Itanagar, PO Itanagar, PS Niti Vihar, Distr
Papum Pare, Arunachal Pradesh, Phone No. 8730058924

VERSUS

1:THE STATE OF AP and 5 Ors.
Represented by the Chief Secretary, Govt. of Arunachal Pradesh, 5th Floor, Block II,
Civil Secretariat, Itanagar.

2:The Secretary
Department of Information and Public Relations
Govt. of Arunachal Pradesh
3rd Floor
Block III
Civil Secretariat
Itanagar.

3:The Director
Directorate of Information and Public Relations
Govt. of Arunachal Pradesh
Soochana Bhawan
Papu Nallah
Naharlagun.

4:The Technical Bid Scrutiny Board
Headed by the Chairman cum Director
Department of Information and Public Relations
Govt. of Arunachal Pradesh
Soochana Bhawan

Pappu Nallah
Naharlagun.

5:The Financial Bid Scrutiny Board
Headed by the Chairman cum Director
Information and Public Relations
Govt. of Arunachal Pradesh
Soochana Bhawan
Papu Nallah
Naharlagun.

6:M/s Khenewa Group
Represented by its proprietor
Shri Rumak Jomoh
having its Registered Office at Waii Complex
Abotabi Colony
Itanagar
Mobile No. 9863071041/825899275

Advocate for the Petitioner : Rinchin Ledo Thungon

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19.04.2023
(Nani Tagia, J)

Heard Mr. R. L. Thungon, learned counsel for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate for the State respondents.

By means of this writ petition filed in the form of Public Interest Litigation (PIL), the petitioner has put to challenge the Board Proceedings for Arunachal Film Festival held on 06.03.2023 (*Annexure-16*) whereby, the case

of the respondent no. 6 has been considered favorably. Also put to challenge is the letter dated 09.03.2023, written to the respondent no. 6 by the In-charge Deputy Director for Director Information & Public Relations, Government of Arunachal Pradesh, vide no. IPR(FILM)119/2023 Pt 09, 2023 (*Annexure- 19*) whereby, the work order for organizing the Arunachal Film Festival, 2023, scheduled on 17th & 18th April, 2023 has been awarded to respondent no. 6.

Though in the impugned letter dated 09.03.2023, the Arunachal Film Festival, 2023 has been scheduled on 17th & 18th April, 2023, the petitioner has made a statement in Paragraph 32 of the writ petition that it has now been rescheduled on 20th & 21st April, 2023.

The petitioner, who claims to be a film Director, Editor and an Actor associated with the film industry for the last 18 years, assailing the Board Proceedings dated 06.03.2023 and the letter dated 09.03.2023 referred hereinabove, contends that the respondent authorities; more particularly the respondent no. 3, the Director, Information & Public Relations, Government of Arunachal Pradesh had issued Expression of Interest, dated 08.02.2023 for organizing the Arunachal Film Festival, 2023. Pursuant thereto, the respondent no. 6 and one M/s Edgenda Solution had submitted their bids. The technical evaluation of the bids submitted was done on 01.03.2023 (*Annexure-9*) whereby, the bid of the respondent no. 6 as well as the bid of M/s Edgenda Solution was found to be not qualified.

According to the petitioner, after the bid of the respondent no. 6 was found to be technically not qualified, the respondent no. 6 had submitted a representation to the Secretary, IPR, Government of Arunachal Pradesh on

03.03.2023 (*Annexure-13*) for consideration of the bid under ***Atma Nirbhar Scheme's Vocal for Local*** and to appoint the respondent no. 6 as an agency for Arunachal Film Festival, which was to be held on 17th & 18th March, 2023. Pursuant to the aforesaid representation dated 03.03.2023, the bid of the respondent no. 6 was reconsidered by the impugned Board Proceedings held on 06.03.2023, in which proceedings, by relying on the notification dated 19th August, 2020 (*Annexure-14*) issued by the Chief Secretary, Government of Arunachal Pradesh vide no. FIN/E-11/30/2017/675, the bid of the respondent no. 6 was considered favorably. Thereafter, the respondent no. 3 vide the impugned letter dated 09.03.2023, issued to the respondent no. 6 has awarded the work for organizing the Arunachal Film Festival, 2023 to the respondent no. 6.

Under the circumstances, the petitioner contends that after the bid of the respondent no. 6 was found to be technically not qualified, in the technical evaluation done on 01.03.2023, the respondent authorities could not have re-considered the bid of the respondent no. 6 pursuant to the representation submitted by the respondent no. 6 and thereby the respondent authorities could not have also awarded the work for organizing the Arunachal Film Festival, 2023, to respondent no. 6, who was earlier found to be technically not qualified for organizing the Arunachal Film Festival, 2023.

The petitioner, further contends that the Arunachal Film Festival has been organized by the Department of Information & Public Relations, Government of Arunachal Pradesh, in which, there is a huge involvement of public money. Thus, wherever the public money is involved, the work is required to be awarded to only those bidders, who have been found to be technically

qualified to organize such a film festival.

Be that as it may, the petitioner, did not participate in the Expression of Interest, dated 08.02.2023, invited by the respondent authority; the respondent no. 3 for organizing the Arunachal Film Festival, 2023.

On perusal of the materials on record, we find that Arunachal Film Festival is a film festival organized by the Department of Information & Public Relations, Government of Arunachal Pradesh, wherein, selections are made in various discipline associated with films and film making and thereafter each of the selection made are given award by the Government of Arunachal Pradesh. The role of respondent no. 6 is to the extent of facilitating the venues and other logistic support to enable the Arunachal Film Festival to take place, for which, the respondent no. 6 would be paid by the Department of Information & Public Relations, Government of Arunachal Pradesh in terms of the work order. Therefore, the issue raised in this PIL regarding the work order issued to the respondent no. 6, essentially appears to be in the realm of contract.

M/s Edgenda Solution, who had participated in the Expression of Interest, dated 08.02.2023 is not before this Court challenging the work order awarded to the respondent no. 6 by the impugned letter dated 09.03.2023. The petitioner herein, who is stated to be not a Contractor but a film Director, Editor and an Actor, who admittedly did not participate or submit his bid pursuant to the Expression of Interest, dated 08.02.2023, issued by the Department of Information & Public Relations, Government of Arunachal Pradesh also prima facie appears to be lacking in locus standi to challenge the impugned work order dated 09.03.2023.

For the reasons aforestated, we are not inclined to interfere with the impugned work order dated 09.03.2023, issued to the respondent no. 6 by the In-charge Deputy Director for Director Information & Public Relations, Government of Arunachal Pradesh, vide no. IPR(FILM)119/2023 Pt 09, 2023.

Accordingly, we find no merit in the issue raised in this PIL filed by the petitioner and the same is hereby dismissed being devoid of merit.

The PIL stands disposed of in terms above.

JUDGE

JUDGE

Comparing Assistant