



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

Case No. : WP(C)/349/2023

All Arunachal Registered Contractors Association (AARCA)
Represented by its President, Shri Deepak Charu, S/o Late Charu Taw, R/o 2 Kilo,
Papu Nallah, PO/PS Papu Nallah, Papum Pare District, Arunachal Pradesh.
Mob. No. 9436881111

VERSUS

- 1.The State of Arunachal Pradesh represented by the Principal Secretary, (Public Work Department), Govt. of Arunachal Pradesh Itanagar.
- 2:the Chief Engineer, (APPWD), Central Zone)-B, Pasighat, East Siang District, Arunachal Pradesh.
- 3:The Executive Engineer, (APPWD), Pasighat, East Siang District, Arunachal Pradesh.
- 4:M/s Badri Rai & Company, represented by its partner Shri Arun Kumar Rai, having its office near Radha Krishna Mandir, Station Road, Duliajan, Dibrugarh, Assam-786602.
- 5:TRIBENI CONSTRUCTION LIMITED, Guwahati, C/o Mr. Oni Dai, Pasighat, PO/PS-Pasighat, East Siang District, Arunachal Pradesh
- 6:Shri Tani Taki,
Executive Engineer, (PWD), Pasighat Division, East Siang District, Arunachal Pradesh and Chairman of Screening Committee on Opening of Tender Bid
- 7:Shri Sobo Sitang,
Assistant Surveyor of Works,
PWD, Pasighat Division,
East Siang District, Arunachal Pradesh,

(Member, Screening Committee for Opening of Tender Bid)

8: Shri Mano Tayeng,
Assistant Engineer (PWD),
Sub-Division, Bilat, East Siang District,
Arunachal Pradesh.
(Member, Screening Committee for Opening of Tender Bid)

9: Shri Ronel Panggam,
Divisional Accountant (i/c)
PWD, Pasighat Division,
East Siang District, Arunachal Pradesh.
(Member, Screening Committee for Opening of Tender Bid)

Advocate for the Petitioner : Nalo Pada,

Advocate for the Respondent : GA (AP), Mr. R. B. Phookan

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 07-08-2023

Heard Mr. N. Pada, learned counsel for the petitioner. Also heard Mr. R. H. Nabam, learned Additional Advocate General for the respondents no. 1, 2 & 3 and Mr. R. B. Phookan, who has entered appearance on behalf of the respondent no. 4 by filing a Caveat.

2. This writ petition has been filed, challenging Invitation For Bids (IFB), dated 22.06.2023, issued by the Executive Engineer, Pasighat Division, PWD, Arunachal Pradesh, vide No. PA/Con-1/2023-24/1131-37, whereby, online tender (Turnkey mode) in Two Bid System (Technical & Financial) from eligible APST & Non-APST contractors enlisted in APPWD and equivalent class/category of contractors

registered with other enlistment authority has been invited for work "*Upgradation of Bakin Pertin General Hospital Pasighat to 300 Bedded Hospital in East Siang District, Arunachal Pradesh*" at an estimated cost of Rs. 99.03 Crore (Rupees Ninety-Nine Crore & Three Lakh).

3. The petitioner is stated to be All Arunachal Registered Contractor's Association, registered vide Regd. No. SR/ITA/4231, with its Headquarter at Papu Nallah, Naharlagun under Papumpare District of Arunachal Pradesh and is represented by its president.

4. Since the online tender, as mentioned above, has been invited from the eligible APST & Non-APST contractors enlisted in APPWD and equivalent class/category of contractors registered with other enlistment authority, in the absence of the petitioner describing itself as eligible contractor enlisted in in APPWD and equivalent class/category of contractors registered with other enlistment authority, as mentioned in the Invitation For Bids (IFB), dated 22.06.2023, I am of the view that the petitioner of the instant writ petition is not an eligible contractor, in terms of the Invitation For Bids (IFB), dated 22.06.2023, issued by the Executive Engineer, Pasighat Division, PWD, Arunachal Pradesh, Pasighat, vide No. PA/Con-1/2023-24/1131-37.

5. In that view of the matter, the petitioner lacks *locus standi* to challenge the Invitation For Bids (IFB), dated 22.06.2023, issued by the Executive Engineer, Pasighat Division, PWD, Arunachal Pradesh, Pasighat, vide No. PA/Con-1/2023-24/1131-37.

6. The writ petition stands disposed of, for want of *locus standi* of the

petitioner to challenge the Invitation For Bids (IFB), dated 22.06.2023, issued by the Executive Engineer, Pasighat Division, PWD, Arunachal Pradesh, Pasighat, vide No. PA/Con-1/2023-24/1131-37.

7. The *status-quo* order passed on 31.07.2023, accordingly stands vacated.

JUDGE

Comparing Assistant