

GAHC040011022021



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

Case No. : WP(C) 383/2021

1:M/s Y P Enterprises
Represented by its Sole Proprietor,
Shri Oni Panyang, S/o Late Panam Panyang, R/o Village Tebo, P.O and P.S Pasighat,
District East Siang, Arunachal Pradesh.
Contact No 8787728367

VERSUS

1:THE STATE OF AP and 8 Ors..
Represented by the Commissioner, Public Works Department, Govt. of Arunachal
Pradesh, Itanagar

2:The Chief Engineer
Highway Zone
PWD
Itanagar
Arunachal Pradesh.

3:The Executive Engineer
Highway Zone
PWD
Arunachal Pradesh

4:M/s GRRB Associates
Represented by its Director
Shri Anil Kumar Agarwal
Office address Holding No. 06/623
Gyan Villa
Manav Kalyan road
Opp. Brahma Kumari Ashram Lane
Tinsukia

Assam Pin 786125

5:M/s ATW India Pvt. Ltd
Represented by Mr. Rohit Kumar More
Office address 6th Perena
Chowkidinghee
P.O C.R Building
Dibrugarh
Assam 786003

6:M/s Hita Enterprises
Represented by Mr. Tech Nigio

R/o Gohpur Tinali
Itanagar

P.O R.K Mission
P.S Itanagar
Arunachal Pradesh

7:M/s Ganpati Builders
Represented by its proprietor

Office Address 12
Bharadwaj Colony
Sriganga Nagar
Rajasthan. Pin Code 335001

8:M/s Sedi Allied Agency
Represented by Proprietor Mr. Samson Borang
R/o Village Mirbuk
P.O/P.S Pasighat
East Siang District
Arunachal Pradesh

9:The Ministry of Road
Transport and Highways
Govt. of India

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 07-03-2023

Heard Mr. T. Gyatso, learned counsel for the petitioner and Mr. I. Riram, learned Addl. Senior Govt. Advocate for the State respondents No.1 to 3.

This writ petition is directed against the Minutes of Meeting of Technical Bid Evaluation held on 09.11.2021, under the Chairmanship of the Chief Engineer(Highway), Public Works Department, Arunachal Pradesh(annexure-6 to the writ petition), whereby, while the bids submitted by the respondents No.4 to 8 have been found to be technically responsive, but the bid of the petitioner has been found to be technically non-responsive.

Challenging the aforesaid Minutes of Meeting of Technical Bid Evaluation held on 09.11.2021, the petitioner, *inter alia*, has contended that the Notice Inviting Tender(NIT), pursuant to which the technical bid evaluation held on 09.11.2021 was not issued as per the *Arunachal Pradesh District Based Entrepreneurs and Professionals(Incentives, Development and Promotion) Act, 2015*.

No counter-affidavit(s) by any of the respondents have been filed in the instant case.

Office Notes dated 24.02.2022; 30.05.2022; 09.08.2022 and 06.03.2023 indicates that steps for service of notice upon the respondents are yet to be taken.

Under the aforesaid circumstances, since the writ petition pertains to the year 2021, and the work for which the technical bid evaluation meeting was held on 09.11.2021 was for the ordinary repair(DPP) for short term maintenance of National Highway stretches under Pasighat Highway Division in the State of

Arunachal Pradesh for the year 2021-22, in all probability, the work may have been completed by the contractor, who was issued with the work order. And also, in view of the the petitioner having not taken any steps for service of notice upon the respondents since the year 2021, I am not inclined to interfere with the Minutes of Meeting of Technical Bid Evaluation held on 09.11.2021, under the Chairmanship of the Chief Engineer(Highway), Public Works Department, Arunachal Pradesh, in exercise of the extraordinary power conferred under Article 226 of the Constitution of India.

Accordingly, this writ petition is dismissed being devoid of merit.

JUDGE

Comparing Assistant