

GAHC040011462023



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

Case No. : WP(C)/409/2023

M/s Palo Malo Enterprise
Represented by its Proprietor Shri Tatung Takar Ame,
Having its Registered Office at Niti Vihar, Itanagar, PS Niti Vihar, PO Itanagar, Dist.
Papum Pare, Arunachal Pradesh, Mobile No. 6009104554

VERSUS

THE STATE OF AP and 10 Ors.
Represented by the Chief Secretary, Civil Secretariat, Block No. II, 5th Floor, Govt.
of Arunachal Pradesh, Itanagar. 2:the Secretary
Age: 0
Occupation :

3:the Executive Engineer
Age: 0
Occupation :

4:the Assistant Engineer
Age: 0
Occupation :

5:Tagru Tate
Age: 0
Occupation :

6:Tagru Taring

Age: 0
Occupation :

7:John Tagru
Age: 0
Occupation :

8:Tagru Takia
Age: 0
Occupation :

9:Tagru Bai
Age: 0
Occupation :

10:Gichick Tachu
Age: 0
Occupation :

11:Lingdum Taying
Age: 0
Occupation

Advocate for the Petitioner : 1 U Bori

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NELSON SAILO

ORDER

Date : 25.08.2023

Heard Mr. U. Bori, learned counsel for the petitioner, Mr. S. Tapin, learned Senior Government Advocate who appears for the respondent Nos. 1 to 4 and

Mr. M. Nibo, learned counsel appears for the respondent No. 10/Caveator.

Having regard to the issue involved, the writ petition is taken up for disposal at the motion stage.

This is the second time the petitioner is before this Court. The earlier writ petition being WP(C)/202(AP)/2023 was disposed of vide order dated 09.10.2023. The grievance of the petitioner was that he has not been allowed to participate in the tender process against the Notice Inviting Tender (NIT) issued by the Executive Engineer Capital Division-A, PWD, Itanagar vide No. CDA/W-3/6A/2023-24 for the work "Extension of road at back side of State Guest House, Niti Vihar, Itanagar." On the concession made by the learned Government Advocate, this Court disposed of the writ petition asking the petitioner to submit his bid within a period of 1 week from the date of order. Following the order, the petitioner submitted his bid on 16.08.2023 and the respondent authority concerned although received the bid of the petitioner but did not evaluate the same. Aggrieved, the petitioner is again before this Court.

The learned counsel for the petitioner submits that the petitioner could not submit his bid before 16.08.2023, on account of the illness of his father. The petitioner could come to Itanagar only on 15.08.2023 and the same being Independence Day and a National holiday, he could not submit his bid. He therefore, submitted his bid on 16.08.2023.

The learned counsel for the respondent No. 10 submits that the petitioner was given 1 week time to submit the bid but he did not submit the bid on time. Therefore, he should not be allowed to submit the bid and the writ petition should be dismissed.

Mr. S. Tapin, learned Government Advocate also submits that in fact the respondents were contemplating to file a review petition against the order dated 09.08.2023 passed in WP(C) No. 202(AP)/2023, but since the petitioner did not submit the bid within the time permitted, a final decision for filing review was not taken.

Upon hearing submissions made by the learned counsel for the parties and upon perusal of the statement made by the petitioner in paragraph no. 14 that he submitted his bid on 16.08.2023 and the same was received by the office of the respondent No. 3 and also considering the fact that 15th August, 2023 was a national holiday, the approach of the respondents is found to be a hyper technical approach. As such, for the ends of justice, it is hereby directed that the bid submitted by the petitioner on 16.08.2023 be also considered and evaluate by the respondent authority concerned.

The writ petition stands disposed of accordingly. The Caveat also stands discharged.

JUDGE

Comparing Assistant