

GAHC010082352018



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

Case No. : WP(C)/2587/2018

ABANI KR. DAS
S/O- LATE KIRTI RAM DAS, R/O- PENSIONPARA, CHANDMARI COLONY,
GHY- 03

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE CHAIRMAN, ASSAM KHADI AND VILLAGE INDUSTRY
BOARD, CHANDMARI, GUWAHATI- 03

2:THE DIRECTOR
INFORMATION AND PUBLIC RELATION
DISPUR
GHY- 06

3:CHIEF EXECUTIVE OFFICER
ASSAM KHADI AND VILLAGE INDUSTRIES BOARD
GHY- 0

Advocate for the Petitioner : MR. R M CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 27.03.2023

Heard Mr. R. M. Choudhury, learned counsel for the petitioner. Also heard Mr. S. Baruah, learned counsel for the respondent No. 2 and Mr. A. Gayan, learned counsel for the respondent No. 3.

2. Mr. R. M. Choudhury, learned counsel appearing on behalf of the petitioner submits that the petitioner had submitted his quotation, in pursuance to Tender Notice dated 09.03.2018 issued by the respondent No. 3, for supply of 200 nos. of Sales Day Book and 200 nos. of Personal Ledger Book. However, before opening the quotation of the petitioner and other tenderers, the respondent No. 3 issued a Notice Inviting Quotation dated 11.04.2018 calling for quotations for the same quantity of materials mentioned in earlier Tender Notice dated 09.03.2018. The petitioner's counsel submits that the issuance of the subsequent Notice Inviting Quotation dated 11.04.2018, without opening the quotations made in terms of the earlier Tender Notice, was arbitrary and illegal. He, accordingly, submits that the Notice Inviting Quotation dated 11.04.2018 should be set aside.

3. Mr. Gayan, learned counsel appearing on behalf of the respondent No. 3 submits that he has not received any instruction with regard to the above issue.

4. Mr. Baruah, learned counsel appearing on behalf of the respondent No. 2 submits that the petitioner has arrayed the State of Assam as party respondent No. 1. However, the State of Assam has been represented by the Chairman, Assam Khadi & Village Industry Board, Chandmari, Guwahati and not by any Commissioner and Secretary to the Government of Assam as is required to be

done. He also submits that a perusal of the writ petition does not show that any right of the petitioner has been violated.

5. I have heard the learned counsels for the parties.

6. As can be seen from the pleadings and the submissions made by the learned counsels for the parties, rates were called for supply of 200 nos. of Sales Day Book and 200 nos. of Personal Ledger Book, vide the earlier tender notice dated 09.03.2018 and the subsequent Notice Inviting Quotation dated 11.04.2018. Though the petitioner had submitted his quotation in terms of the earlier Tender Notice dated 09.03.2018, no quotation of any tenderer, in pursuance to the said Tender Notice dated 09.03.2018, had been opened by the State respondent.

7. In that view of the matter, there can be no bar for the petitioner to submit a quotation with same rates or different rates in pursuance to the Notice Inviting Quotation dated 11.04.2018. The quotations pertaining to the old tender notice not having been opened, no right of the petitioner can be said to have been violated by the respondents.

8. It is also noticed that the last time the case was listed before this Court prior to this date was on 13.06.2018. Thus, more than four years have elapsed from the last time this case was listed.

9. In view of the above, this Court is of the view that keeping the case pending would not be in the interest of the public or for any person. Accordingly, in view of the peculiar facts and circumstances of the case, the respondent No. 3 is given the liberty to complete the process for issuance of a supply order in terms of the Notice Inviting Quotation dated 11.04.2018. However, the petitioner, herein, should be given an opportunity to submit his

quotation in pursuance to the Notice Inviting Quotation dated 11.04.2018 prior to completing the process. In the alternative, the respondent No. 3 is also given the liberty to cancel the Notice Invited Quotation dated 11.04.2018 and call for a fresh tender notice, keeping in view that the rates of supply of the required books would have changed, as more than four years have passed from the date of issuance of the Notice Inviting Quotation dated 11.04.2018. As no right of the petitioner has been violated by the respondents in issuing the Notice Inviting Quotation dated 11.04.2018, this Court is not inclined to exercise its discretionary power in the present case. Accordingly, the writ petition is closed with the above observations and directions.

JUDGE

Comparing Assistant