

GAHC010084282018



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

**Case No. : WP(C)/2665/2018**

M/S. J. P. BORGOHAIN  
REP. BY ITS PROPRIETOR- SRI SHAMIRON BORGOHAIN, S/O. LT. JYOTI  
PRASAD BORGOHAIN, OLD AMULAPATTY, SIVASAGAR, P.O. AND P.S.  
SIVASAGAR, DIST. SIVASAGAR,

VERSUS

OIL AND NATURAL GAS CORPORATION LTD. AND 2 ORS.  
REP. BY THE CHIEF GENERAL MANAGER, ITS REGD. OFFICE AT PANDIT  
DEEN DAYAL UPADHAYAYA URJA BHAWAAN, 5, NELSON MANDELA  
MARG, WASANT KUNJ, NEW DELHI.

2:THE DY. GENERAL MANAGER (MM)

THE OIL AND NATURAL GAS CORPN. LTD.  
ASSAM ASSET  
ONGC  
CENTRAL STORES  
SIVASAGAR  
ASSAM

3:THE SR. MM OFFICER

THE OIL AND NATURAL GAS CORPN. ASSAM ASSET  
ONGC  
CENTRAL STORES  
SIVASAGAR  
ASSA

**Advocate for the Petitioner : MR. S CHAUHAN**

**Advocate for the Respondent : MR. N ANIX SINGH**

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**08.02.2023**

Heard Mr. A.R. Shome, learned counsel for the petitioner and Mr. G.N. Sahewalla, learned senior counsel for the respondent Oil & Natural Gas Corporation [ONGC] Limited.

2. The subject-matter of challenge in this writ petition instituted under Article 226 of the Constitution of India is an Invitation to Bid [ITB] floated by the respondent ONGC vide E-Tender no. R16KC17006 for "Hiring of 9 MT Trucks" for the Assam Asset. The date of publication of the ITB was 10.11.2017. By the ITB, bids were invited for the 31 nos. of 9 MT Trucks Services for a period of 4 [four] years. The details of 31 nos. of 9 MT trucks were as follows : [i] Open body 9 MT Trucks with one driver and two khalasi – 11 nos.; [ii] Open body 9 MT Trucks with one driver and four khalasi – 01 nos.; and [iii] Closed body 9 MT Trucks with one driver and two khalasi – 10 nos.

3. Mr. Sahewalla, learned senior counsel appearing for the respondent ONGC authorities has submitted that the contract period of 4 [four] years in respect of 29 nos. of 9 MT Trucks had already expired on 26.08.2022. Subsequently, after expiry of the contract period, the ONGC had floated a fresh tender vide E-Tender no. R16KC21011 dated 08.12.2021 for "Hiring of services of 33 nos. of 9 MT Trucks for Assam Asset", for a period of 4 [four] years. In the said tender process, a total 33 nos. of bidders participated and the successful bidders were finalized. After the successful bidders were identified, the Notice of Awards [NoAs] had already been placed to them on 19.07.2022. The petitioner did not participate in the tender process initiated vide E-Tender no. R16KC21011 dated 08.12.2021.

4. The Court, by an interim order dated 04.05.2018, directed that until further orders, 2 [two] nos. of open body 9 MT Trucks with 1 driver and 4 khalasis forming part of the ITB in question shall not be advertised or allotted. Mr. Sahewalla, learned Senior Counsel has submitted that 2 [two] nos. of 9 MT Trucks out of 31 nos. of 9 MT Trucks were not allotted to

anyone during the contract period and as of 4 [four] years of ITB dated 10.11.2017 in respect of the 29 nos. of 9MT contracted Trucks was already over on 26.08.2022, the writ petition has become infructuous. Mr. Shome, learned counsel for the petitioner has not disputed the said position.

5. From the above submissions, it has become evident that the contract period of the ITB floated on 10.11.2021 had already expired on 26.08.2022. In view of the same, this Court is of the considered view that there is no live issue surviving in this writ petition for consideration and accordingly, the writ petition is closed. The interim order, if any, stands recalled. No cost.

6. A copy of the letter bearing no. AA/Legal/J.P. Borgohain/9MT Trucks/2022 dated 12.09.2022 handed over by Mr. Sahewalla, learned senior counsel for the respondent ONGC authorities, is kept as part of the record.

**JUDGE**

**Comparing Assistant**