

GAHC010253782022



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

Case No. : I.A.(Civil)/2989/2023

PURBANCHAL ENTERPRISE
S/O- MONI MOHAN KARMAKAR
PROPRIETOR OF M/S JK GROUP AND COMPANY HAVING ITS REGD. OFFICE
AT A.K. DEV ROAD
GANESHPARA IN THE DIST.- OF KAMRUP (M)
ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS.
REP. BY THE SECRETARY
MIN OF HUMAN RESOURCE DEVELOPMENT
DEPART OF SCHOOL EDUCATION AND LITERACY
124 (C) WING
SHASTRI BHAWAN
NEW DELHI- 110001

2:THE SECRETARY FINANCE
FINANCE
GOVT OF INDIA
MIN OF FINANCE
DEPTT OF EXPENDITURE
NEW DELHI- 110001

3:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DEPTT OF EDUCATION
DISPUR
GHY- 06

4:THE MISSION DIRECTOR
SAMAGRA SIKHSHA
ASSAM
KAHILIPARA
GHY- 19

5:HEMANTA KARMAKAR
S/O- MONI MOHAN KARMAKAR
PROPRIETOR OF M/S JK GROUP AND COMPANY HAVING ITS REGD OFFICE
AT A K DEV ROAD
GANESHPARA IN THE DIST- OF KAMRUP (M)
ASSAM

Advocate for : MR D K DAS
Advocate for : GA ASSAM appearing for THE UNION OF INDIA AND 4 ORS.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 10.10.2023

Heard Mr. D.K. Das, learned counsel for the applicant; Mr. R.K. Dev Choudhury, learned Deputy Solicitor General of India for the opposite party nos. 1 & 2; Mr. D. Saikia, learned Advocate General, Assam assisted by Mr. S. Bora, learned Standing Counsel, Samagra Siksha for the opposite party nos. 3 & 4; and Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. N. Gautam, learned counsel for the opposite party no. 5-writ petitioner.

2. The instant interlocutory application has been preferred by the applicant seeking his impleadment as a party-respondent in the connected writ petition, W.P.[C] no. 7967/2022.

3. The connected writ petition has been preferred challenging a tender process initiated by a Notice Inviting Tender [NIT] no. GEM/2022/B/2693580 dated 01.11.2022 whereby bids have been invited for supply and installation of dual desk & benches.

4. It is the case of the petitioner in the writ petition that the bidding process ought not to have been floated with the clauses incorporated therein as the supply and installation of dual desk and benches are to be procured through the grass-root agencies.

5. Mr. Das, learned counsel for the applicant has submitted that in response to the NIT dated 01.11.2022, the applicant had submitted its bid. As the bidding process has been suspended due to passing of an interim order in the connected writ petition, the interest of the petitioner is likely to be effected in a prejudicial manner, in the event the writ petition is allowed. It is, thus, submitted that since the interest of the petitioner is intricately connected with the outcome of the writ petition, the applicant is a necessary party and in such view of the matter the prayer for impleadment as a party-respondent in the connected writ petition is to be allowed.

6. Mr. Choudhury, learned Senior Counsel for the opposite party no. 5-writ petitioner has submitted that since the competitive bidding process initiated by the NIT dated 01.11.2022 has been challenged at the initial stage itself, the presence of the applicant as a party-respondent does not appear to be necessary.

7. I have considered submissions of the learned counsel for the parties.

8. Mr. Das, learned counsel for the applicant has submitted that he may be given the right to address as on impleadment of the applicant as a party-respondent, the applicant is not going to file any further pleadings and he will be supporting the stand likely to be taken on behalf of the official respondents.

9. As the applicant herein has participated in the competitive bidding process initiated by the NIT dated 01.11.2022, I am of the considered view that the interest of the applicant might have a bearing with the outcome of the connected writ petition and his presence does not appear to be unnecessary. Hence, the instant interlocutory application seeking impleadment of the applicant as a party-respondent no. 5 in the connected writ petition, W.P. [C] no. 7967/2022 is allowed.

10. The Registry is to cause necessary corrections in the cause-title of the connected writ petition and in the CIS accordingly. Mr. Das, learned counsel for the applicant shall file an amended cause-title in terms of the Notification no. 79 dated 19.06.2023 by tomorrow before

the Registry.

JUDGE

Comparing Assistant