

GAHC010244392023



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

Case No. : WP(C)/6313/2023

M/S RONGJALI ENTERPRISE AND ANR
REPRESENTED BY ITS PROPRIETOR, SMT. SANGITA BORO, HAVING ITS
PLACE OF BUSINESS AT WARD NO. 10, GARCHUK ROAD, VILL.-
GARCHUK, GUWAHATI, KAMRUP(M), PIN- 781035.

2: SANGITA BORO
D/O- LATE KANAK BORO
WARD NO. 10
GARCHUK ROAD
VILL.- GARCHUK
GUWAHATI
KAMRUP(M)
PIN- 781035

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
FISHERY DEPARTMENT, DISPUR, GHY-781006, DISPUR, KAMRUP(M),
ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-781006
KAMRUP(M)
ASSAM

3:THE SECRETARY
FISHERY DEPARTMENT
D-BLOCK
JANATA BHAWAN
DISPUR
GHY-781006

KAMRUP(M)
ASSAM

4:THE DISTRICT FISHERIES DEVELOPMENT OFFICER (DFDO)

CHIRANG
ASSAM
DIST. KAMRUP(M)
PIN- 783385.

5:DISTRICT/STATE NODAL OFFICER
ASSAM
PMMSY
GUWAHATI-16
ASSAM

6:THE SR. FINANCIAL ADVISOR (SR. FA)/FINANCIAL ADVISOR

DIRECTORATE FISHERIES
GOVT. OF ASSAM
GHY-16

For the Petitioner(s) : Mr. S. Sarma, Advocate

For the Respondent(s) : Mr. P. Sarma, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 24.11.2023

1. The instant writ petition has been filed by the Petitioners challenging the Notice Inviting Tender bearing No.DFDO/BTC/CHR/145/PMMSY/2023-24/183 dated 15.09.2023 as well as tender No.DFDO/BTC/CHR/145/PMMSY/2023-24/184 dated 15.09.2023 on the ground that the said tenders have been issued to violating the provisions of the Assam Public Procurement Rules, 2020 framed under the Assam Public Procurement Act, 2017 which mandates that no procurement entity shall divide or bulk its procurement after bids have been

invited for the purpose, under any circumstances and violation thereof shall be deemed as willful dereliction of duty constituting grave misconduct under the Conduct Rules.

2. This Court vide an order dated 19.10.2023 issued notice and as an interim measure directed that the Respondent Authorities may proceed to process the bids received in response to the NIQs dated 05.09.2023 but shall not finalize the processes without the leave of the Court.

3. Today, when the matter has been listed, Mr. P. Sarma, the learned Standing counsel appearing on behalf of the Fishery Department has placed before this Court an order dated 22.11.2023 issued by the Commissioner and Secretary to the Government of Assam, Fishery Department wherein it has been mentioned that the irregularity as regards splitting the total tender value exceeding Rs.20,00,000/- instead of going for e-tendering as per the O.M vide eCF No.31119 dated 09.06.2023 issued by the Finance Department in connection with procurement of materials under PMMSY have been rectified and all District Fishery Development Officers have been directed to withdraw/cancel any such SNIQ, if already issued in case of the total tender value is Rs.20,00,000/- and above and resort to e-tendering in compliance of the order/direction of the Finance Department vide OM dated 09.06.2023.

4. The learned Standing counsel appearing on behalf of the Fishery Department therefore submitted that in view of the said order dated 22.11.2023 issued by the Commissioner and Secretary to the Government of Assam, Fishery Department the impugned tenders have been withdrawn and the Respondent Authorities would be taking effecting steps for initiating process for e-tendering as per the OM vide eCF No.31119 dated 09.06.2023.

5. Taking into account the above submissions, as the tenders which have been impugned in the instant case have been withdrawn by the concerned Respondent Authorities, nothing further remains to be decided in the instant case for which the instant writ petition has become infructuous and accordingly stands closed.

6. Be that as it may, this Court however directs the Respondent Authorities to comply with its order dated 22.11.2023 issued by the Commissioner and Secretary to the Government of Assam, Fishery Department as well as also the OM vide eCF No.31119 dated 09.06.2023 issued by the Finance Department.

7. The order dated 22.11.2023 is kept on record and marked with the letter "X".

JUDGE

Comparing Assistant