

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.125 of 2024

Ex-Para Military Association

.....Petitioner(s);

Versus

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. Dipjyoti Paul, Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH**

Order

21/02/2024

Heard Mr. Dipjyoti Paul, learned counsel for the petitioner and Mr. D. Sharma, learned Additional Government Advocate for the respondents-State.

2. Petitioner questioned the allotment of work in favour of the private respondent, though according to him both of them had quoted the same rate i.e. Rs.10,249/- for providing security services to the College of Veterinary Sciences and Animal Husbandry under the NIT dated 15.09.2023 [Annexure-7]. Petitioner alleged that though both having the same quoted rate, the private respondent did not fulfil the conditions No.3,4 and 5 relating to the license from Labour Department, Government of Tripura/Central Government; license for carrying business by Home Department, Government of Tripura and EPF & ESI registration.

3. Apart from that, the petitioner alleged that in counting the total experience of the outsourcing agency invited for handling the security services, the private respondent's turnover does not meet the requirement of Clause 22 to

grant the work order in his favour when the rate quoted by both the bidders are one and the same and lowest. A plea has been raised that in calculation of annual turnover of the private respondent, certain personal gains have been added in the balance sheet which gives him an edge over the petitioner.

4. This Court on the previous date however was not convinced with the second part of the argument since the private respondent is a proprietary firm and the balance sheet prepared includes both income from business and other sources which are liable to tax as certified by the Chartered Accountant [Annexure-11]. So far as compliance of conditions No.3, 4 and 5 of the DNIT dated 15.09.2023 is concerned, we find that petitioner has not enclosed the license from the Home Department, which is an essential requirement under Clause 4 of the DNIT. On the other hand, by way of an amendment application, an averment has been made that the private respondent did not have the necessary licenses essential to fulfil the eligibility criteria. Therefore, he submits that allotment of work order in favour of the private respondent is arbitrary and illegal.

5. Mr. D. Sharma, learned Additional Government Advocate for the respondents-State, has submitted that petitioner has to first establish his *locus standi* by satisfying all the eligibility conditions. Petitioner has failed to enclose the requisite license from the Home Department required under Clause 4 of the DNIT. On the other hand, learned Additional Government Advocate for the State has, upon instructions, submitted that private respondent has satisfied all the three requirements under Clause 3, 4 & 5. He has produced the relevant certificates as required under Clause 3, 4 & 5 which are license to engage in the business of private security agency by the Home Department, Government of

Tripura; he has an ISO 9001:2015 certification in his favour. A license has been issued under the Tripura Contract Labour (Regulation and Abolition) Rules, 1978. He has possesses the relevant P.F. Code No. and registration under the Employees' Provident Fund Organization as well as registration under the Employees' State Insurance Act, 1948. As such, the private respondent satisfied the necessary eligibility criteria. The relevant documents produced as above by learned Additional Government Advocate for the respondents-State are kept on record.

6. Upon consideration of the rival submission of the parties, we find that though petitioner had questioned the allotment of work in favour of private respondent on the ground that he does not have the necessary licenses required under Clause 3, 4 & 5 of the DNIT but whereas the relevant licenses in favour of the private respondent have been produced by the State counsel on instructions, Petitioner has not been able to show any license from the Home Department to carry out the business as is the requirement of Clause 4. Earlier we have also observed that on the question of compliance of Clause 22 of the NIT, the private respondent's turnover is higher than the petitioner.

7. As such, petitioner has not been able to make out a case for interference in a matter of allotment of work under the tender by the Animal Resources Development Department, Government of Tripura.

8. The writ petition is accordingly dismissed. Pending interlocutory applications are also disposed of.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ

Pijush/

SIDDHARTHA
LODH

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