

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.212 of 2024

M-Tech Innovations Limited

.....Petitioner(s);

Versus

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Ms. R. Guha, Advocate,
Ms. Sudipa Nath, Advocate.

For Respondent(s) : Mr. S.S. Dey, Advocate General,
Mr. Kohinoor N. Bhattacharyya, G.A.,
Ms. Ayantika Chakraborty, Advocate.

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

Order

20/03/2024

Heard Ms. R. Guha, learned counsel for the petitioner and Mr. S.S. Dey, learned Advocate General appearing for the respondents-State.

The present writ petition is by the same petitioner who has preferred WP(C) No.715/2023 in relation to the participation in Request for Proposal (RFP, in short) published on 28.12.2022 by the respondents inviting interested bidders to submit their bids for selection of Service Provider for “Personalization of Smart Card based Driving License and Vehicle Registration Certificate (Project)” on Public Private Partnership basis. The said writ petition was preferred with a grievance that after the Pre-bid conference and submission of proposal, technical bid was finally opened on 31.01.2023 and on 09.06.2023, in the result of technical bid, petitioner was declared “non-responsive” whereas the bid of respondent No.6 who is respondent No.13 herein was shown as “technically qualified”. The official respondents had not uploaded the ‘Evaluation Statement’ prepared by the Bid Evaluation Committee in terms of

Clause 1.6 of Section-III of the NIT/RFP. Such non-disclosure of 'Evaluation Statement' created doubts about the integrity of the bidding process. Petitioner was executing the same nature of work under an existing agreement.

Now, the present writ petition seeks to challenge the report of the Evaluation Committee dated 08.05.2023 whereby the petitioner has been declared "technically disqualified" and respondent No.6 therein/respondent No.13 herein has been declared "technically qualified". He also seeks to challenge the opening of financial bid of respondent No.13 [Annexure-8] on 09.06.2023, the approval letter in favour of respondent No.13 as vendor dated 17.08.2023 [Annexure-19], the agreement dated 16.11.2023 with respondent No.13 for execution of this work [Annexure-20], the termination letter of petitioner's agreement dated 28.11.2023 [Annexure-16] and the Work Order issued upon respondent No.13 on 28.11.2023 [Annexure-21]. Petitioner has also sought restraint or prohibition upon the respondents from implementing the impugned orders such as the Work Order, the Agreement and the Termination Letter issued against the petitioner during pendency of the writ petition, i.e. WP(C) 715/2023.

However, since the present writ petition relates to the same tender notice, the petitioner could have brought those subsequent developments by way of an amendment in the pending writ petition i.e. WP(C) No.715/2023. In the said writ petition this Court by order dated 29.11.2023 allowed time to the respondents-State to file Counter Affidavit. Instead the petitioner has filed a fresh writ petition in relation to the award of work to the respondent No.13 and technical disqualification of the petitioner under the same NIT.

Ms. R. Guha, learned counsel for the petitioner, therefore, seeks permission to withdraw the present writ petition with liberty to file an appropriate amendment application in the pending writ petition being WP(C) No.715/2023 incorporating the subsequent events.

Learned Advocate General has also objected to the maintainability of the present writ petition relating to the same tender notice by the same petitioner.

Having regard to the submission made by learned counsel for the petitioner, the instant petition is permitted to be withdrawn. Liberty is granted to the petitioner to seek appropriate amendment to incorporate subsequent developments in the pending writ petition i.e. WP(C) No.715/2023.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ

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