

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.459 of 2024

Visual Securas and Infotech Limited

.....Petitioner(s);

Versus

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,
Mr. Dipjyoti Paul, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

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

Order

10/07/2024

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

The NIT in question [Annexure-3] was issued on 29.09.2023 for “Rate Contract for Providing Manpower services i.e., Data Entry Operators (DEO) on outsourced basis at AGMC & GBP Hospital, Agartala” by the respondent-Health Department. Petitioner was a bidder. He was earlier executing the same work which was extended for some time even after issuance of the NIT. But his bid was technically disqualified on 19.12.2023 vide Annexure-6. On 16.02.2024, the Tender Purchase Committee in its meeting recommended the successful bidder. Thereafter during the operation of Model Code of Conduct, inadvertently work order was issued to the successful bidder i.e. respondent No.6 on 20.03.2024. However, it was cancelled on 30.03.2024 realizing their folly. The work order has been issued thereafter to the successful bidder i.e. respondent No.6 on 12.06.2024 [Annexure-13]. Now this petitioner who stood technically disqualified as back as 19.12.2023 has questioned the decision of the Tender Evaluation Committee on his technical disqualification

by filing this writ petition in July, more precisely 08.07.2024. In para 19 to 21, petitioner alleges certain lacuna on the part of the successful bidder respondent No.6. In paragraph 22, he alleges that his annual turnover is better than the L-2 bidder and as regards L-3, he states in paragraph 23 that his rate was better than him.

However, the writ petition has been opposed at the outset on the ground of seven months delay by the petitioner in approaching this Court. Petitioner has contended that he could gather this information from the website. If that be so, he should have been more diligent to raise his cause of action, if any, before the Court. Mere making representation before the authorities would not arrest the march of time and revive a stale cause of action especially in matters of execution of public projects like this. Therefore, any interference at this length of time at the behest of a bidder who was technically disqualified as back as December, 2023 would not be proper. Any scrutiny on merits of the contention of the petitioner that he fulfilled the eligibility criteria is also not warranted. As such, this Court is not required to go into the issue of eligibility of other bidders who were technically qualified and whose financial bids were opened later on 16.02.2024. Reliance is placed upon the decision of the Apex Court in the case of *Raunaq International Ltd. v. I.V.R. Construction Ltd. and others* reported in (1999) 1 SCC 492 & *Tata Motors Limited vs. Brihan Mumbai Electric Supply and Transport Undertaking (BEST) and Ors., reported in 2023 SCC Online SC 671*. Accordingly, the writ petition is dismissed.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ

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