

GAHC040002822024



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

Case No. : WA/7/2024

M/s NK Enterprise and Anr
having its registered office at Senki Park, Itanagar, PO RK Mission, PS Itanagar,
Papumpare District, Arunachal Pradesh represented by Shri Lokam Peter. 2: Lokam
Peter
Age:
Occupation

VERSUS

The State of AP and 5 Ors
represented by the Secretary, Rural Development, Govt of Arunachal Pradesh,
Itanagar 2:The Director
Age: 0
Occupation :

3:The Joint Director
Age: 0
Occupation :

4:The Project Director
Age: 0
Occupation :

5:The Tender Evolution Board -cum- Tender Evaluation Authority
Age: 0
Occupation :

6:M/s Pacho Enterprises
Age: 0

Occupation

Advocate for the Petitioner : Dugmar Kamduk

Advocate for the Respondent : Binter Picha

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

O R D E R

04.03.2024.

(N. U.K. Nair, J)

Heard the learned counsel Mr. D. Kamduk appearing for the appellants. Also heard Mr. B. Picha, learned counsel representing Respondent Nos.1 to 5.

2. In view of the nature of the order that is to be passed, we deem that notice upon Respondent No.6 is not required to be issued.

3. The intra-court appeal has been instituted by the appellants being aggrieved by the denial to him of an interim direction while issuing notice by the learned Single Judge in the connected writ petition being WP(C) No.70/2024. The learned Single Judge, while issuing notice in the connected writ petition being WP(C) No.70/2024, vide order dated 19.02.2024, had fixed the matter on 07.03.2024 and had directed the learned Standing Counsel, Rural Development Department, Government of Arunachal Pradesh to place the necessary instructions in the matter on the said date before the Court.

4. The learned counsel for the appellants has taken us to the comparative statements as prepared by the respondent authorities in the matter and we

find that there is an apparent discrepancy in the bid value as calculated with regard to the bid of the private Respondent No.6. In the event the rates as quoted by the private Respondent No.6 is taken as it is, then the total bid value quoted by the private Respondent No.6 would come to ₹2,15,41,816.80, whereas the bid value that is being quoted by the appellants would be ₹2,13,27,346.00. However, the rate of the private Respondent No.6 was taken by the tendering authority as ₹2,13,26,266.80 without any basis being disclosed, and accordingly he was declared as L1. A calculation error seems to have crept in while determining the bid value of the Respondent No.6. The said matter requires to be considered by perusing the connected records.

5. Accordingly, the present appeal stands disposed of with a direction that *status quo*, as on today with regard to the supply of materials, as awarded to the private respondent no.6, shall be maintained till 07.03.2024. On 07.03.2024, the learned Single Judge after perusal of the records, shall be at liberty to pass further order(s), as may be called for, in the matter. The respondent authorities are directed to place the records, in original, before the learned Single Judge on 07.03.2024.

With the above observations and directions, the writ appeal stands disposed.

JUDGE

JUDGE

Comparing Assistant