

GAHC040003412023



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

Case No. : PIL/6/2023

Nabam Tama
S/o Late Nabam Tam,
R/o G Sector, Forest Colony Near Deputy Chief Wildlife
Sanctuary Office Naharlagun, District Papum Pare, Arunachal Pradesh.

VERSUS

1: THE STATE OF AP and 4 Ors.
to be represented by the Chief Secretary to the Govt. of Arunachal Pradesh,
Civil Secretariat, Itanagar 791111

2:The Secretary IT and Communication Department
Govt. of Arunachal Pradesh Civil Secretariat Itanagar Pin Code 791111

3:The Director IT and Communication Department
Govt. of Arunachal Pradesh Civil Secretariat Itanagar Pin Code 791111

4:The Secretary Department of Finance Govt. of Arunachal Pradesh
Civil Secretariat Itanagar Pin Code 791111

5:M/s Broadcast Engineering Consultants India Pvt. Ltd.
Represented by its Managing Director BECIL Bhawan C 56/A
17 Sector 62 Noida Pin Code 201307 Uttar Pradesh

For the Petitioner(s) : Mr. A. Apang, Senior Advocate, Amicus Curiae.

For the Respondent(s) : Mr. N. Ratan, Additional Advocate General, Arunachal Pradesh for
respondent Nos.1 to 4.

: Mr. T. Garam, Advocate for respondent No.5.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KARDAK ETE

11.09.2024

(Vijay Bishnoi, CJ)

This writ petition is filed as a PIL petition with a prayer for setting aside the Letter of Intent (LoI) dated 12.09.2022 issued by the respondent No.3, whereby the contract for setting up of the State Data Centre in Itanagar, was given to the private respondent No.5.

In the writ petition, it is alleged that the respondent No.3 has issued the Letter of Intent in favour of the respondent No.5 for setting up of a State Data Centre without inviting any bids and in violation of the provisions of the law. It is contended that serious irregularities have been committed by the State respondents in granting the contract for setting up of the State Data Centre.

Reply to the writ petition is filed on behalf of the respondent State, wherein it is highlighted that since 2014 Notice Inviting Tenders (NITs) for setting up of the State Data Centre were floated on 6(six) occasions to find a suitable vendor for execution of the Project, however, every time the process for setting up of the State Data Centre could not be finalized on account of non-participation of any bidders, or due to single bid participation. Considering the above fact situation, the State Government has decided to hire a Vendor from the Public Sector Undertaking (PSU), on nomination basis, to ensure timely and efficient completion of the Project and, for that purpose, a draft Functional Requirement Specifications was placed before the State Government, which has been approved by the State Government and thereafter e-mails were sent to 6(six) Public Sector Undertakings along with the Functional Requirement Specifications in August, 2022.

Pursuant to the above-referred e-mails, 3(three) Public Sector Undertakings have shown their interest and after due assessment of the suitability of the bidders, the contract for setting up of the State Data Centre was awarded to the respondent No.5. The details regarding the grant of contract to the respondent No.5 have been mentioned in Paragraphs 8 & 9 of the counter affidavit.

Despite granting opportunity to the petitioner, no rejoinder affidavit is filed on behalf of the petitioner. It is also to be noticed that during the pendency of the PIL petition, the State Data Centre has already been established and inaugurated on 11.03.2024 and at present it is operational.

Taking into consideration the facts and circumstances of the case that the respondents have justified their action in awarding the contract to the respondent No.5 for setting up of the State Data Centre and also in view of the fact that no counter to the said justification is filed on behalf of the petitioner and taking into consideration the fact that the State Data Centre has already been inaugurated and at present is operational, we do not find any reason to keep this PIL petition pending, hence the same is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant