

GAHC040007372022



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

Case No. : WP(C)/223/2022

M/s North East Infrastructure
3D Protech Pearls, Suraj Nagar, Six Mile, Gauhati 781022, Assam, Represented by its
Proprietor, Shri Prabat Podder,
R/o 3D Protech Pearls, Suraj Nagar, Six Mile, Gauhati 781022, Assam.

VERSUS

THE UNION OF INDIA and 6 Ors.
Represented by the Secretary, Information and Broad Casting, Govt. of India
2:The Chief Managing Director
Age: 0
Occupation :

3:The Chief General Manager
Age: 0
Occupation :

4:The Managing Director
Age: 0
Occupation :

5:The Divisional Engineer
Age: 0
Occupation :

6:The Chairman
Age: 0
Occupation :

7:The Chairman

Age: 0

Occupation

Advocate for the Petitioner : Ojing Pada

Advocate for the Respondent : Marto Kato

Linked Case : WP(C)/224/2022

M/s North East Infrastructure

Age: 0

Occupation :

Address:3D Protech Pearls

Suraj Nagar

Six Mile

Guwahati 781022

Assam

Represented by its Proprietor Shri Prabat Podder

R/o 3D Protech Pearls

Suraj Nagar

Six Mile

Guwahati

781022

Assam.

VERSUS

THE UNION OF INDIA and 6 Ors.

Age: 0

Occupation :

Address:Represented by the Secretary

Ministry of Information and Broadcasting

Govt. of India.

2:The Chief Managing Director

Age: 0

Occupation :

Address:BSNL Bharat Sanchar Bhawan

Harish Chandra Mathur Lane

Janapath

New Delhi 110001.

3:The Chief General Manager

Age: 0

Occupation :

Address:Core Network Transmission

BSNL Bhawan

7th Floor

Guwahati 78101

Assam.

4:The General Manager

Age: 0

Occupation :

Address:Core Network Transmission

BSNL Bhawan

7th Floor

Guwahati 78101

Assam.

5:The Divisional Engineer

Age: 0

Occupation :

Address:(Telecom Project) Core Network (TX North East Region)

Tinsukia

BSNL MW Building

1st Floor

R.G Road

Tinsukia 786125

6:The Chairman

Age: 0

Occupation :

Address:Tender Opening Committee

(Telecom Project) Core Network (TX North East Region)

Tinsukia

BSNL MW Building

1st Floor

R. G Road

Tinsukia 786125

7:The Chairman

Age: 0

Occupation :

Address:Tender Evaluation Committee

Core Network Transmission

BSNL Bhawan

7th Floor

Guwahati 78101. Assam.

Advocate for : Ojing Pada

Advocate for : Marto Kato appearing for THE UNION OF INDIA and 6 Ors.:

Advocate ,

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, appearing for 2,

3,

4,

5,

6,

7, respectively.

**BEFORE
HONBLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

04.01.2024

It is submitted by the learned counsel for the respondents No. 2 to 7 submits that the tender for the routes "Namsai-Latho and Namsai-Mahadevpur" stands cancelled due to technical issues in opening of the bids as cited by the tender opening committee. The learned counsel for the respondents submits that the tender opening committee tried to open the technical bids however the committee found it technically impossible to decrypt the bids and open the tender. Therefore, the committee recommended for cancellation of the present tender and go for re-tender, if desired by the competent authority. Accordingly,

the competent authority cancelled the tender because of the technical reasons as pointed out by the Tender Opening Committee.

Mr. O Pada, learned counsel for the petitioners submits that in the event of fresh tender being floated and the petitioner's grievances are not redressed, he may be permitted to approach the Court by filing fresh writ petition.

Needless to say, if any fresh tender is floated by the competent authority and the petitioner is still aggrieved, he shall be, within his rights, to approach the Court by filing necessary application. It is also made clear that there shall be no bar for the petitioners to participate in any such fresh tender that may be floated by the respondents.

The writ petitions accordingly stand disposed of.

Interim orders, if any, shall stand vacated.

Pending I.As also stand disposed of.

Copies of the communication dated 14.12.2023 is retained in the case record.

JUDGE

Comparing Assistant