

GAHC010058742024



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

Case No. : WP(C)/1607/2024

SIMANTA GOGOI
S/O- BHADRESWAR GOGOI,
R/O- MILON NAGAR, P.S- GHILAMARA,
DIST- LAKHIMPUR, ASSAM, PIN-787053

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, EXCISE
DEPARTMENT,
DISPUR, GUWAHATI-06

2:THE COMMISSIONER OF EXCISE

GOVERNMENT OF ASSAM
HOUSEFED COMPLEX
DISPUR-BELTOLA ROAD
GUWAHATI-6.

3:THE DISTRICT COMMISSIONER
CUM CHAIRMAN
E- BIDDING COMMITTEE
LAKHIMPUR
ASSAM
PIN-787001

4:THE SUPERINTENDENT OF EXCISE DEPARTMENT
LAKHIMPUR
ASSAM
PIN-787001

5:DHURBAJYOTI SAIKIA

S/O- DHANESHWAR SAIKIA

R/O- KHELMATI
WARD NO-14
NORTH LAKHIMPUR
DIST- LAKHIMPUR
PIN-78700

Advocate for the Petitioner : MR G PEGU

Advocate for the Respondent : SC, EXCISE DEPTT.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

18.03.2024

1. Heard Mr. G. Pegu, learned counsel for the petitioner, who submits that Notice Inviting e-Bid dated 20.12.2023 had been issued by the respondents for grant of IMFL Retail Off Licence for various places in Lakhimpur Districty, including Shop No.LKP 13 at C.D Road, Lakhimpur District. However, the respondents issued re-bid notice on 23.02.2024.
2. The petitioner's counsel submits that the petitioner's Technical Bid was rejected due to (i) the site plan not countersigned by the Executive Engineer/Assistant Executive Engineer of PWD(B) and (ii) violated Point No.22.3 of the bid documents.
3. The petitioner's counsel submits that the petitioner had submitted his site plan countersigned by an Assistant Engineer, PWD. As the tender notice did not specify that the site plan had to be signed by the Executive Engineer/Assistant

Executive Engineer of PWD, the site plan submitted by the petitioner, which was countersigned by an Assistant Engineer, PWD could not have been rejected.

4. The petitioner's counsel submits that due to over-sight, petitioner has not made any challenge to rejection of his Technical Bid on the ground of violation of Point No.22.3 of the bid documents, which is to the following effect :

“22.3 No Bidder shall contact any member of the Tender/Bid Committee on any matter relating to its bid, from the time of the opening of bids to the time of issue of the Letter of Acceptance (LoA). Any effort of the Bidder to influence the Tender/Bid Committee in its decision in respect of bid evaluation, bid comparison or issue of the Letter of Acceptance (LoA) shall result in the rejection of the bid and forfeiture of the EMD. During the bid preparation process, Bidders will focus their inquiries and communications, if any, to only the authorized nodal officer of the District Commissioner.”

5. Mr. G. Pegu, learned counsel for the petitioner accordingly prays that he may be allowed to withdraw the writ petition, with liberty to file afresh, by allowing the petitioner to make a challenge to the other ground for rejecting the petitioner's Technical Bid, if grounds for the same are present.

6. Mr. K.P. Pathak, learned counsel appears for the Excise Department.

7. The prayer of the petitioner's counsel is allowed.

8. The writ petition is dismissed as withdrawn, with liberty as prayed for, if so advised.

JUDGE

Comparing Assistant