

GAHC010072272022



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

Case No. : WP(C)/2607/2022

NAZIM UDDIN LASKAR
S/O- LATE AZIR UDDIN LASKAR
VILLAGE- CHIPARSANGAN PART-I
P.O-CHIPARSANGAN
DIST- HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF FOREST AND ENVIRONMENT, DISPURT,
GUWAHATI-06

2:THE PRINCIPAL CHIEF CONSERVATOR
OF FOREST AND HEAD OF FOREST FORCE
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI-37

3:THE ADDL. CHIEF CONSERVATOR
OF FOREST
LOWER ASSAM ZONE
KACHARIGHAT
GUWAHATI-1

4:THE CONSERVATOR OF FOREST
SOUTHERN ASSAM CIRCLE
SILCHAR
CACHAR
ASSAM
PIN-788001

5:THE DIVISIONAL FOREST OFFICER
HAILAKANDI DIVISION
HAILAKANDI.
PIN-788151

6:AMTRON
(ASSAM ELECTRONICS DEVELOPMENT CORPORATION LTD.)
REP. BY ITS MANAGING DIRECTOR
BAMUNIMAIDAM
GUWAHATI-781021

7:KARAN NATH
S/O- KISHOR NATH
R/O- SHIBBARI ROAD
TARAPUR
SILCHAR
DIST- CACHAR
PIN-78800

Advocate for the Petitioner : MR. A H M R CHOUDHURY

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

15.03.2024

1. Heard Mr. A.H.M.R. Choudhury, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned counsel for the Forest Department; Mr. K.L. Gupta, learned counsel for the respondent no.6 and Mr. G. Khandalia, learned counsel for the respondent no.7.

2. The petitioner's case is that he had taken part in the e-auction sale notice under NIT No.HKD/DFO(T)/E-Tender/09 dated 08.11.2021 relating to Katakhal Sand Mining Contract Unit-I. The petitioner as well as the respondent no.7 being

successful in the Technical Bid Evaluation Stage took part in the Financial Bid Evaluation Stage on 24.03.2022, by participating in the live auction conducted by the respondent no.6.

3. The petitioner's grievance is that during the live auction, after the petitioner had already offered the bid price of Rs.2,61,00,000/- and the respondent no.7 had offered Rs.2,62,00,000/- for the Sand Mahal, the live auction abruptly came to an end, thereby denying the petitioner an opportunity to offer his next higher bid. The live auction details which was captured by the petitioner through his mobile phone showed that the auction had ended with the respondent no.7 being declared the winning bidder at his quoted rate of Rs.2,62,00,000/-. Being aggrieved, the petitioner has filed the present writ petition, stating that the live auction had been abruptly closed, to enable the respondent no.7 to be settled with the Sand Mahal.

4. The petitioner's counsel submits that the alleged abrupt closure of the live auction had been done due to a nexus between the respondent nos.6 & 7. He also submits upon instructions that the petitioner is willing to offer upto Rs.3,00,00,000/- (Rupees three crores) for the said Katakhal Sand Mining Contract Unit-I, in terms of the e-auction sale notice under NIT No.HKD/DFO(T)/E-Tender/09 dated 08.11.2021.

5. At this stage, Mr. G. Khandalia, learned counsel for the respondent no.7 submits that the respondent no.7 would like to withdraw from the bidding process pursuant to the e-auction sale notice under NIT dated 08.11.2021 as

two years have elapsed. He submits that the Sand Mahal may be settled with the petitioner, as the petitioner has offered Rs.3,00,00,000/- (Rupees three crores) for the Sand Mahal.

6. Mr. D. Gogoi, learned counsel for the Forest Department submits that in view of the changed circumstances and the submissions made by the learned counsels for the parties, the Forest Department will consider settling the Sand Mahal with the petitioner at his offered bid price of Rs.3,00,00,000/- (Rupees three crores).

7. In view of the changed facts and circumstances of the case, there is nothing left to adjudicate in this case. The Forest Department shall accordingly consider the case of the petitioner for settling the said Katakhal Sand Mining Contract Unit-I at his offered bid price of Rs.3,00,00,000/- (Rupees three crores) for 7 (seven) years or in the alternative, make a proportionate adjustment of the offered Rs. 3 crores for the remaining part of the contract period. The respondents shall also allow the respondent no.7 to withdraw from the bidding process and return all his earnest money.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant