

GAHC010088602024



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

Case No. : WP(C)/2325/2024

M/S LEISURE LANE
HAVING ITS REGISTERED OFFICE AT GROUND FLOOR, HOUSE NO. 37,
BYE LANE 4, SURVEY, BASISTHAPUR, GUWAHATI, KAMRUP(M),
GUWAHATI-781028, REPRESENTED BY ITS PROPRIETOR SALEH SIDDIK
AHMED.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, AGRICULTURE DEPARTMENT, DISPUR, GHY-781006.

2:THE DIRECTOR OF AGRICULTURE
ASSAM
KHANAPARA
GHY-22.

3:THE ASSAM SEED CORPORATION LTD.

REP. BY ITS MANAGING DIRECTOR
KHANAPARA
GHY
ASSAM-781022.

4:THE MANAGING DIRECTOR

ASSAM SEED CORPORATION LTD.
KHANAPARA
GUWAHATI
ASSAM-781022

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : SC. AGRICULTURE

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

02.05.2024

1. Heard Mr. D. Das, learned Senior Counsel assisted by Mr. D. Kalita, learned counsel for the petitioner. Also heard Mr. S. Chamaria, learned counsel for the Assam Seeds Corporation. Mr. B. Choudhury, learned counsel for the respondent nos.1 & 2.

2. The petitioner's case is that he does not have any grievance with any of the conditions in the NIT dated 08.03.2024 for procurement of fresh certified seeds of different crop varieties for the year 2024 – 2025. The petitioner's only grievance is with the 3rd Corrigendum dated 16.04.2024, by which the quantity of seeds to be procured by the Assam Seeds Corporation has been reduced pursuant to the meeting minutes of the departmental Bid Committee on 10.04.2024.

3. The learned counsel for the petitioner submits that when the actual requirement of certified seeds by the State is huge in terms of the NIT, the drastic reduction of the quantity to be procured by the State respondents, which is below the needs of the State is arbitrary and unjustified. Similarly, the State respondents have reduced the quantity of the other items to be procured in terms of the NIT dated 08.03.2024 vide the 3rd Corrigendum dated 16.04.2024. He submits that the reduction of the items to be procured by the State Government is arbitrary and accordingly the same should be set aside. The

State should be directed to procure the items as reflected in the NIT dated 08.03.2024.

4. In support of his submission, the learned counsel for the petitioner has relied upon the judgment of the Supreme Court in the case of ***Sharma Transport, Rep. By Shri. D. P. Sharma vs. Govt. of A. P.***, reported in ***(2002) 2 SCC 188***, wherein it has been held that the expression "arbitrarily" means in an unreasonable manner, as fixed or done capriciously or at pleasure, without adequate determining principle, not founded in the nature of things, non-rational, not done or acting according to reason or judgment, depending on the will alone. The petitioner's counsel submits that the reduction of the quantity of seeds to be procured having been reduced arbitrarily, prior to the last date of submission of tenders/bids, the same would have to be set aside, in terms of the above judgment.

5. Mr. S. Chamaria, learned counsel for the Assam Seeds Corporation submits that the petitioner cannot make a challenge to the quantity of seeds to be procured by the respondents, as that is the domain of the State Government. The quantity of seeds the State needs for a certain period of time is an administrative decision to be made and as such, the writ petition being devoid of any merit should be set aside.

6. I have heard the learned counsels for the parties.

7. The petitioner's grievance is only on the ground that the quantity of seeds

to be procured in terms of the NIT dated 08.03.2024 has been reduced considerably by the State, vide the 3rd Corrigendum dated 16.04.2024. The last date of submission of tenders/bids pursuant to the NIT dated 08.03.2024 is 02.05.2024 and the 3rd corrigendum was issued prior to the said date, i.e. 16.04.2024. As such, as on 16.04.2024, none of the bids of the tenderers had been opened. The issue of whether the State Government, wants to procure a certain quantity of seeds is the sole prerogative of the State Government as they are the procuring authority and is purely an administrative decision. Further, this Court is of the view that the petitioner cannot be said to be an aggrieved person, as no legal or fundamental right of the petitioner has been violated. Only because the State respondents have decided to reduce the quantity of seeds to be procured by way of a 3rd corrigendum, prior to the last date of submission of tenders, does not, in any manner indicate, that some persons legal or fundamental right has been violated. Further, this is not a public interest litigation. In that view of the matter, this Court does not find any merit in the writ petition. This Court also finds that the judgment of the Supreme Court in the case of ***Sharma Transport (supra)*** is not applicable to the facts of the case, inasmuch as, this Court does not find any arbitrariness in the reduction of the quantity of seeds to be procured by the respondent, i.e. Assam Seeds Corporation.

8. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant