

GAHC010106192024



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

Case No. : WP(C)/2818/2024

SUBAL CHANDRA DAS
S/O- PULIN CHANDRA DAS,
RESIDENT OF VILL.- SRIPUR PART-I,
P.O.- FULBARI, DIST.- CACHAR, ASSAM,
PIN- 788802.

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVT. OF ASSAM,
DEPARTMENT OF FISHERIES, DISPUR,
GUWAHATI-6.

2:THE ASSAM FISHERIES DEVELOPMENT CORPORATION (AFDC) LIMITED
VIP ROAD CHACHOL
GUWAHATI- 36
DIST.- KAMRUP METRO
ASSAM
REPRESENTED BY ITS MANAGING DIRECTOR.

3:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION (AFDC) LIMITED
VIP ROAD CHACHOL GUWAHATI- 36.

4:THE DISTRICT FISHERY DEVELOPMENT OFFICER
CACHAR SILCHAR PIN- 788801.

5:KAJAL KUMAR DAS
S/O- KALI MOHAN DAS
RESIDENT OF VILL- SRIPUR PART-I
P.O.- FULBARI DIST.- CACHAR
ASSAM
PIN- 788802

Advocate for the Petitioner : MR. N H BARBHUIYA

Advocate for the Respondent : SC, AFDC

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 03.06.2024

Heard Mr. N. H. Barbhuiya, learned counsel for the petitioner, who submits that the petitioner submitted his bid pursuant to the tender notice No. 01/2022 dated 14.03.2022.

2. The petitioner's counsel submits that the petitioner's bid was rejected on the ground that his tender was below the total minimum tender value for seven years, i.e. Rs.80,54,200/-. He submits that in the comparative statement made by the State respondents, the petitioner's seven years grant total bid amount has been shown as Rs.78,68,560/-, which is not in consonance with the rate quoted by him in his tender documents. He submits that the rates quoted by him in his tender documents would show that seven years grand total bid amount of the petitioner would be above 81 Lakhs.

3. The petitioner's counsel thus prayed that a direction should be issued to the respondents to verify the bid amount of the petitioner and to make necessary correction to the comparative statement with regard to the total bid value submitted by the petitioner. In this regard, he has relied upon page 28 of the writ petition, in support of his submission that the petitioner's total bid value for seven years was beyond 81 Lakhs.

4. Mr. P. Sarmah, learned counsel for the AFDC submits that the AFDC will conduct a verification of the petitioner's bid amount and if it is found that the

petitioner's total bid amount was beyond 81 Lakhs, the petitioner's tender would be declared to be a valid tender, provided all other eligibility criteria have been fulfilled by the petitioner. He further submits that in the event the respondent No. 5, whose bid was Rs.1,41,64,090/-, declines settlement of the fishery, the offer of settlement of the fishery would be done with the petitioner at the rate/bid of the respondent No. 5, as per the terms and conditions of the NIT, provided the petitioner's verified bid amount is above the minimum tender value and he fulfills all the other criteria required in the NIT.

5. In view of the submission made by the parties, there is nothing to adjudicate in the matter. Accordingly, the respondents shall verify the bid amount submitted by the petitioner and if the petitioner's bid amount is above the minimum bid value set by the respondents, the petitioner's bid would be considered to be a valid bid, provided that he fulfills all other eligibility criteria required in the NIT.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant