



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

Case No. : WA/361/2024

THE INDIAN OIL CORPORATION LTD AND 4 ORS
REPRESENTED BY MANAGING DIRECTOR, INDIAN OIL BHAVAN, G9, ALI
YAVAR JUNG MARG, BANDRA EAST, MUMBAI, MAHARASTRA- 400051

2: THE CHIEF GENERAL MANAGER INDIAN OIL CORPORATION LIMITED
MARKETING DIVISION REGIONAL CONTRACT CELL
EASTERN REGION OFFICE 2 GARIAHAT ROAD SOUTH KOLKATA
WEST BENGAL- 700068

3: THE CHIEF GENERAL MANAGER MARKETING DIVISION
NORTH EAST INTEGRATED STATE OFFICE
INDIAN OIL CORPORATION LIMITED
3RD FLOOR EAST POINT TOWER
BAMUNIMAIDAN GUWAHATI- 781021

4: THE MANAGER (LPG-OPS) IOAODSO INDIAN OIL CORPORATION
LIMITED INDIAN OIL AOD STATE OFFICE
SECTOR III NOONMATI GUWAHATI- 781020

5: THE TENDER EVALUATION COMMITTEE
INDIAN OIL CORPORATION LIMITED
INDIAN OIL AOD STATE OFFICE
SECTOR III NOONMATI GUWAHATI- 78102

VERSUS

M/S HELLO INDANE GRAMIN VITRAK B
A PROPRIETORSHIP FIRM HAVING ITS REGISTERED OFFICE AT
MUKALMUA, NARAYANPUR, NALBARI, ASSAM-781126 REPRESENTED BY
ITS PROPRIETOR MR. MAINAO ALI, SON OF LATE HASMAT ALI.

Advocate for the Petitioner : MR. M K CHOUDHURY, MR. M SARMA, MR P BHARADWAJ

Advocate for the Respondent : , MR. R J DAS

Linked Case : WA/310/2024

THE INDIAN OIL CORPORATION LTD AND 4 ORS
REPRESENTED BY MANAGING DIRECTOR INDIAN OIL BHAVAN G9 ALI
YAVAR JUNG MARG BANDRA EAST MUMBAI MAHARASTRA- 400051

2: THE CHIEF GENERAL MANAGER INDIAN OIL CORPORATION LIMITED
MARKETING DIVISION REGIONAL CONTRACT CELL
EASTERN REGION OFFICE 2 GARIAHAT ROAD
SOUTH KOLKATA WEST BENGAL- 700068

3: THE CHIEF GENERAL MANAGER MARKETING DIVISION
NORTH EAST INTEGRATED STATE OFFICE INDIAN OIL CORPORATION LTD
3RD FLOOR EAST POINT TOWER BAMUNIMAIDAN GUWAHATI- 781021

4: THE MANAGER (LPG-OPS)IOAODSO INDIAN OIL CORPORATION
LIMITED INDIAN OIL AOD STATE OFFICE
SECTOR III NOONMATI GUWAHATI- 781020

5: THE TENDER EVALUATION COMMITTEE
INDIAN OIL CORPORATION LIMITED INDIAN OIL AOD STATE OFFICE
SECTOR III NOONMATI GUWAHATI- 781020

VERSUS

M/S KALAPAHAR INDANE GAS AGENCY A
PROPRIETORSHIP FIRM HAVING ITS REGISTERED OFFICE AT BINOVA
NAGAR FATASIL GUWAHATI KAMRUP (M) ASSAM- 781018 REPRESENTED
BY ITS PROPRIETOR MR. BIPUL RAJKHOWA AGED ABOUT 54 YEARS
SON OF SRI SONORAM RAJKHOWA

Advocate for : MR. M K CHOUDHURY
Advocate for : appearing for M/S KALAPAHAR INDANE GAS AGENCY A

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 04.11.2024
(Vijay Bishnoi, CJ)

Heard Mr. M. K. Choudhury, learned senior counsel, assisted by Mr. P. Bharadwaj, learned counsel, appearing on behalf of the appellants. Also heard Mr. R. J. Das, learned counsel, appearing on behalf of the respondents, in both these writ appeals.

By preferring these 2(two) writ appeals i.e. WA No. 310/2024 and WA No. 361/2024; the appellants, herein, have challenged 2(two) separate orders, dated 26.04.2024, passed by the learned Single Judge in WP(c)1581/2024 and WP(c)1582/2024, respectively.

The above-noted writ petitions were filed by the sole respondents, separately, being aggrieved with the action on the part of the appellants in rejecting their bids filed in response to the Notice Inviting Tender(NIT), dated 24.11.2023, for providing trucks for the purpose of transportation of LPG cylinders.

The learned Single Judge after taking into consideration, the pre-qualification criteria mentioned in the Notice Inviting Tender (NIT) documents, has come to the conclusion that a bidder can submit its bid by 3(three) modes for owned/attached trucks:-(1). Self-attested copy of Form 23/23A(RC Book/Smart Card), (2). Invoice accompanied with temporary registration certificates, and (3). Temporary authorization of registration certificate for new trucks.

The learned Single Judge has recorded a finding that the respondents, herein, have submitted temporary authorization of registration certificate for a new truck but the appellants have illegally not considered the said document.

Having heard the learned counsels appearing for the parties at length and after taking into consideration, the pre-qualification criteria for the bidders; we are of the considered view that the learned Single Judge has rightly opined that a bidder was supposed to upload either of the 3(three) categories of documents as specified in pre-qualification criteria and the respondents, herein, have submitted the temporary authorization of

registration certificate for a new truck.

In view of the above; we do not find any illegality in the finding of the learned Single Judge that the appellants, herein, have illegally rejected the bid of the respondents in the above-noted writ petitions.

In view of the above discussion; we do not find any merit in these writ appeals and consequently, the same stands dismissed. Interim order(s), if any, stands vacated.

However, it is expected that the appellants, herein, shall carry-out the directions given by the learned Single Judge in the above-referred writ petitions; for consideration of the cases of the respondents, herein, for allotment of transportation of LPG cylinders in terms of the Notice Inviting Tender(NIT), dated 24.11.2023, expeditiously, preferably within a period of 1(one) month from the date of production of a certified copy of this order.

JUDGE

CHIEF JUSTICE

Comparing Assistant