

GAHC010146632024



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

Case No. : WA/246/2024

1.THE UNION OF INDIA AND 4 ORS
THROUGH THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF
RAILWAYS, 21 RAIL BHAWAN, RAFI MARG, NEW DELHI-01

2: THE GENERAL MANAGER (CONSTRUCTION)
N.F RAILWAY, MALIGAON
GUWAHATI-11 DIST- KAMRUP (M) ASSAM

3: THE CHIEF ADMINISTRATIVE OFFICER -3
(CONSTRUCTION) N.F RAILWAY MALIGAON
GUWAHATI-11 DIST- KAMRUP (M) ASSAM

4: PFA AND CAO (CONSTRUCTION)
(CONSTRUCTION) N.F RAILWAY MALIGAON
GUWAHATI-11 DIST- KAMRUP (M) ASSAM

5: THE DEPUTY CHIEF ENGINEER/TENDER
(CONSTRUCTION) N.F RAILWAY MALIGAON
GUWAHATI-11 DIST- KAMRUP (M) ASSAM

VERSUS

M/S MVVS-PKRJV
COLONEL CHOWMUHANI , AGARTALA, TRIPURA (W) 799001M REP. BY
SHRI M V V SATYANARAYANA, AGED ABOUT 67YEARS, SON OF LATE M.
MUTYALA RAO, RESIDENT OF 6-1-136/5/A, MEHER NIVAS, BALRAM
COLONY, WALKER TOWN, PADMARAONAGAR, SECUNDERABAD, PO
MUSHEERABAD, DIST HYDERABAD, 500020 MANAGING PARTNER OF M/S
M.V.V. SATYANARAYANA,
HAVING ITS REGD OFFICE AT 673, D. NO 6-1-136/3M, 1ST FLOOR. MEHER
RATNA COMPLEX, BALARAM COLONY , WALKER TOWN ,
PADMARAONAGAR, SECUNDRABAD, PIN-500020

For the Appellant(s) : Mr. H. Gupta, Central Government Counsel.
: Ms. N. Chakraborty, Advocate.

For the Respondent(s) : Mr. B.D. Das, Senior Advocate assisted by Mr. R. Majumdar, Advocate, Ms. R. Deka, Advocate, Mr. D.N. Dutta, Advocate and Mr. L. Deka, Advocate.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

28.08.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed on behalf of the appellants challenging the impugned order dated 26.06.2024 passed by the learned Single Judge in WP(C) No.3307/2024, whereby the writ petition filed by the respondent herein was allowed.

Learned counsel appearing for the respondent has submitted that vide order dated 09.08.2024 passed in WA No.261/2024, the Division Bench of this Court has endorsed the view taken by the learned Single Judge in the impugned order. It is submitted that the learned Single Judge in the impugned order has opined that when a constituent member of the Joint Venture submits a tender on behalf of the Joint Venture, a Power of Attorney is not required to be submitted along with the tender.

It is submitted by learned counsel for the respondent that in view of the fact that the view expressed by the learned Single Judge in the impugned order has been affirmed by the Division Bench of this Court, this writ appeal, preferred on behalf of the appellants, challenging the impugned order dated

26.06.2024, is liable to be dismissed.

Mr. H. Gupta, learned Central Government Counsel appearing for the appellants, though not in a position to dispute the fact that a similar view expressed by the learned Single Judge in another writ petition [WP(C) No.3166/2024] has already been affirmed by the Division Bench of this Court vide order dated 09.08.2024 passed in WA No.261/2024, has attempted to argue that this Court, while issuing notice to the respondent on 05.08.2024, has *prima facie* opined that the view taken by the learned Single Judge vide order dated 26.06.2024 passed in WP(C) No.3307/2024 may not be correct. Therefore, the matter may be heard on merits.

Having gone through the order dated 09.08.2024 passed by the learned Co-ordinate Bench in WA No.261/2024, we do not find any case for interference in this writ appeal. Hence, the instant writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant