

GAHC010157092024



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

Case No. : WP(C)/3975/2024

M/S APURBA ENTERPRISE
REPRESENTED BY PROPRIETOR MANU ROY, S/O- DHIREN ROY,
RESIDENCE OF HOUSE NO. 316, HENGRABARI, BARBARI, GUWAHATI-
781036, DISTRICT- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, WOMEN
AND CHILD DEVELOPMENT DEPARTMENT, CUM MEMBER SECRETARY
SCPS, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
ASSAM
UZANBAZAR
GUWAHATI- 781001

3:THE SUPERINTENDENT
OBSERVATION HOME
BOKO
BAMUNIGAON
DISTRICT- KAMRUP
ASSAM
PIN- 781123

4:THE STATE CHILD PROTECTION SOCIETY
ASSAM
REPRESENTED BY THE MEMBER SECRETARY ASSAM
BELTOLA
GUWAHATI- 781028

5:SAI ONE GROUP
REPRESENTED BY THE PROPRIETOR SRI PRITAM TALUKDAR
RESIDENCE OF HOUSE NO.9
HASTINAPUR PATH
BYELANE NO.1
NAYANPUR
GANESHGURI
DISTRICT- KAMRUP (M)
ASSAM
PIN- 78100

Advocate for the Petitioner : MR. U DUTTA, MR. B. KUMAR

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

09.08.2024

1. Heard Mr. U. Dutta, learned counsel for the petitioner and Mr. K. Gogoi, learned counsel for the respondent nos. 1 to 4.
2. The petitioner's case is that pursuant to the Notice Inviting Re-Tender dated 15.05.2023, for supply of dietary articles Group-A to the Observation Home, Boko, Bamunigaon, the petitioner was selected as the successful tenderer.
3. In terms of the agreement dated 21.07.2023 executed between the respondents and the petitioner, the petitioner was to supply dietary items to the Observation Home, Boko for the financial year 2023-2024 w.e.f. 01.06.2023. However, Clause 9 of the agreement provided that the agreement would be valid till the tender for the financial year 2024-2025 was completed.
4. The grievance of the petitioner is that despite Clause 9 of the agreement mentioned above, the respondents have taken a decision to allow the respondent No.

5 to supply dietary items to the Observation Home, Boko, vide letter dated 26.07.2024 issued by the respondent No. 1, even though no NIT had been issued for the same, subsequent to the NIT dated 15.05.2023.

5. Mr. K. Gogoi, learned counsel has submitted letter no.SCPs(G)370/2017/Pt-1/635 dated 08.08.2024 issued by the Joint Secretary to the Government of Assam, W&CD Department cum Sr. Additional Member Secretary, SCPs, Assam which states that the letter allowing the respondent no.5 to supply of dietary and non-dietary items for the Children & Observation Home for Girls, Jalukbari and Observation Home for Boys, Boko has been cancelled, vide letter no. SCPs(G)370/2017/Pt-1/633 dated 03.08.2024.

6. The letter dated 08.08.2024 is made a part of the record and marked as Annexure-X.

7. In view of the above letter dated 08.08.2024, the writ petition has become infructuous.

9. The writ petition is accordingly closed as infructuous.

JUDGE

Comparing Assistant