

GAHC010172032023



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

Case No. : WP(C)/4491/2023

PRADIP CHANDRA BORA
S/O- AMBURAM BORA,
VILL- MAJPUTONI,
P.O-POTANI GUMUTHA GAON,
P.S- NAGAON, DIST- NAGAON, ASSAM, PIN-782002

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT DISPUR,
GUWAHATI- 781006.

2:THE NAGAON ZILLA PARISHAD
REP. BY THE CHIEF EXECUTIVE OFFICER
NAGAON ZILLA PARISHAD
P.O
P.S AND DIST- NAGAON
ASSAM
PIN-782001

3:THE CHIEF EXECUTIVE OFFICER
NAGAON ZILLA PARISHAD
P.O
P.S AND DIST NAGAON
ASSAM
PIN-782001

4:BARHAMPUR ANCHALIK PANCHAYAT
REP BY THE EXECUTIVE OFFICER
P.O- BARHAMPUR

P.S- NAGAON
DIST- NAGAON
ASSAM
PIN-782102

5:THE EXECUTIVE OFFICER

BARHAMPUR ANCHALIK PANCHAYAT
P.O- BARHAMPUR

P.S- NAGAON
DIST- NAGAON
ASSAM
PIN-782102

6:PRASANTA BORA
S/O- BISHNU RAM BORA

VILL- NO-1 GHOGAR GAON

P.O- BARHAMPUR

P.S- NAGAON
DIST- NAGAON
ASSAM
PIN-78210

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

09.02.2024

1. Heard Mr. K.U. Ahmed, learned counsel for the petitioner and Mr. S. Dutta, learned Standing Counsel, P&RD Department for the respondent nos.1 to 5.
2. The petitioner's case is that pursuant to a Tender Notice dated 06.05.2023

issued by the Barhampur Anchalik Panchayat, the petitioner submitted his bid for settlement of the Barhampur Weekly Market (hereinafter referred to as "the Market"). The petitioner's bid value of Rs.8,11,111/- was rejected by the Bid Evaluation Committee, on the ground that the petitioner's Land Valuation Certificate showed the valuation of the petitioner's land at Rs.6,51,703/-, which was less than the bid value submitted by the petitioner.

3. The petitioner is aggrieved by the settlement of the Market with the respondent no.6, whose bid value was lesser than the petitioner's bid value. The bid value of the respondent no.6 was Rs.7,80,000/-.

4. Clause 14 of the Tender Notice dated 06.05.2023 requires tenderers to submit Land Valuation Certificates, wherein the value of the land in the Land Valuation Certificate is to be the value of the tender, thereby implying that the valuation of the land in the Land Valuation Certificate cannot be less than the bid value submitted by the bidder. In the present case, the petitioner's land valuation being lesser than his bid amount, this Court does not find any infirmity with the decision of the respondents to disqualify the petitioner's bid. As the petitioner's bid has been disqualified due to not complying with Clause 14 of the Tender Notice, there is no violation of petitioner's enforceable rights. As the petitioner is not qualified to be settled with the tender, he can have no right to make a challenge to the settlement of the tender with another tenderer, as he is not an aggrieved person in terms of *Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra and Others*, reported in (2013) 4 SCC 465.

5. In view of the reasons stated above, there being no merit in the present writ petition, the writ petition stands dismissed.

JUDGE

Comparing Assistant