

GAHC010172062024



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

Case No. : WP(C)/4348/2024

ABU SAYED MONDAL
S/O- LATE ABDUR RAHMAN MONDAL, VILLAGE- ABRAR BHITA, P.O.-
BALAR BHITA, P.S. BAGUAN, DISTRICT- GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
TRANSPORT DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR
INALND WATER TRANSPORT
ASSAM
ULUBARI
GUWAHATI- 781007

3:THE EXECUTIVE ENGINEER
INALND WATER TRANSPORT DIVISION
ULUBARI
GUWAHATI- 781007

4:THE ASSISTANT EXECUTIVE ENGINEER
IWT SUB-DIVISION
DHUBRI
P.O. AND DISTRICT- DHUBRI
ASSAM
PIN- 783301

5:THE SECTIONAL OFFICER
BUDUCHAR-BASANTAPUR FERRY SERVICE
IWT SUB-DIVISION
DHUBRI

P.O. AND DISTRICT- DHUBRI
ASSAM
PIN- 783301

6:SRI RAJ HUSSAIN OJA
S/O- LATE SIRAJ MONDAL
VILLAGE- MAMUDPUR PART-II
P.O. DOLGUMA
DISTRICT- GOALPARA
ASSAM
PIN- 783125

7:SRI ANOWAR HUSSAIN
S/O- LATE ABDUL KAIYYUM
VILLAGE- KARBALA
P.O. AND DISTRICT- GOALPARA
ASSAM
PIN- 783101

8:SRI ABUL HUSSAIN
S/O- LATE BASET ALI
VILLAGE- BASANTAPUR
P.O. DOLGUMA
DISTRICT- GOALPARA
ASSAM
PIN- 783125

9:SRI MOTIYAR RAHMAN
S/O- LATE MESER ALI
VILLAGE- CHOYSIMANA
P.O. KODOMTOLA
DISTRICT- BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR. D A KAIYUM, MR. M S MONDAL

Advocate for the Respondent : SC, IWT,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

28.08.2024

1. Heard Mr. D.A. Kaiyum, learned counsel for the petitioner, who submits

that the respondent no.3 issued NIT dated 08.02.2024 for leasing out the Buduchar-Basantapur Ferry Service (Ferry Service in short) for the period 2024-2026. In response to the said NIT, the petitioner along with 12 other bidders submitted their bids. Instead of finalizing the NIT dated 08.02.2024, the respondent authorities issued a short Tender Notice dated 27.02.2024 for temporary settlement of the Ferry Service.

2. The petitioner's counsel submits that the short Tender Notice dated 27.02.2024 was issued, as settlement of the Ferry Service on a regular basis in terms of the NIT dated 08.02.2024, could not be made by the State respondents.

3. The petitioner's counsel submits that the petitioner is the 4th highest bidder pursuant to the NIT dated 08.02.2024. He submits that vide order dated 15.06.2024, the Ferry Service was settled with Raj Hussain Oja, as he was the highest bidder. However, Raj Hussain Oja surrendered his lease on the Ferry Service. Further, the petitioner came to learn that the 2nd and 3rd highest bidders were not interested in operating the Ferry Service. As the petitioner has now become the surviving highest bidder, the Ferry Service should be settled with the petitioner pursuant to the NIT dated 08.02.2024. In this respect, the petitioner has also submitted a representation dated 19.08.2024 to the respondent no.2, to allow him to operate the Ferry Service, as per his bid amount. However, no decision has been taken by the respondents till date. Instead, the Ferry Service has been settled for short periods on a temporary basis and as on date, the respondent no.9 has been made to operate the Ferry

Service on a temporary basis till 31.08.2024, in terms of the Office Order No.444 dated 12.08.20214 issued by the respondent no.3.

4. Ms. M.D. Borah, learned counsel for the Transport Department submits that the present writ petition can be disposed of, if a direction is issued to the Director, Inland Water Transport, Assam, to dispose of the petitioner's representation dated 19.08.2024, within a specified time period.

5. Mr. D.A. Kaiyum submits that he has got no objection to the proposal made by the counsel for the Transport Department.

6. In view of the consent of the parties, the Director, Inland Water Transport, Assam is directed to take a decision on the petitioner's representation dated 19.08.2024, within a period of 10 (ten) days from the date of receipt of a certified copy of this order. It is also directed that till a decision is taken by the Director, Inland Water Transport, Assam on the petitioner's representation dated 19.08.2024, temporary service of the Ferry Service should not be given to any other person beyond 31.08.2024.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant