

GAHC010175272023



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

Case No. : WP(C)/4653/2023

MADHAB BRAHMA
S/O- THANESWAR BRAHMA, VILL.- BALISIHA HABI, P.O. ROWTA, DIST.
UDALGURI, ASSAM

VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND 5 ORS
REPRESENTED BY ITS PRINCIPAL SECRETARY, KOKRAJHAR, ASSAM

2:THE SECRETARY

BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM

3:THE ADDITIONAL CHIEF CONSERVATOR OF FOREST CUM CHD

FOREST DEPARTMENT
BTC
KOKRAJHAR
ASSAM

4:THE DIVISIONAL FOREST OFFICER

DHANSIRI FOREST DIVISION
UDALGURI.

5:THE ASSISTANT CONSERVATOR OF FOREST

DHANSIRI FOREST DIVISION
UDALGURI.

6:NASIRAM DAIMARI
S/O- BUDURAM DAIMARI
R/O- BALISIHA
P.O. ROWTA
DIST. UDALGURI
ASSA

For the Petitioner(s) : Mr. J. Laskar, Advocate

For the Respondent(s) : Ms. R.B. Bora, BTC
Ms. P. Hazarika, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 08.11.2024

Heard Mr. J. Laskar, the learned counsel appearing on behalf of the petitioner and Ms. R.B. Bora, the learned Standing Counsel, appearing for the BTC.

2. The petitioner herein has filed the instant writ petition challenging the communication dated 27.07.2023 whereby the BTC, had approved the highest quoted rate of Dhansiri Sand/Stone Mahal No. 1 for granting of mining contract to the respondent No. 6.
3. The case of the petitioner herein is that the petitioner had quoted an amount of Rs. 41,00,000/- (Rupees Forty One Lakh), however, the contract had been awarded to the respondent No. 6 at a much lesser amount. The petitioner on enquiry had come to learn that the petitioner's bid was not considered on the ground that the petitioner did not submit the Income Tax clearance certificate.
4. The learned counsel appearing on behalf of the petitioner had submitted

that from a perusal of the terms and conditions of the tender document, it would be seen that there is no mention of any requirement of submission of any Income Tax clearance certificate. The learned counsel therefore, submitted that the impugned communication dated 27.07.2023 is required to be interfered with.

5. On the other hand, Ms. R.B. Bora, the learned Standing Counsel, BTC draws the attention of this Court to Clause 13 (e) of the tender notice which stipulates that the tender papers must be accompanied with other documents as has been mentioned in the tender form. She further, referred to the tender form wherein there is a mention of the Income Tax, Sales Tax clearance certificate. She therefore, submitted that the Income Tax Clearance Certificate having not been submitted, the petitioner's bid was not viable and could not have been taken into consideration.

6. This Court having heard the learned counsels appearing for the parties and having taken into consideration the tender notice as well as the tender form is of the opinion that the Income Tax, Sales Tax clearance certificate are necessary documents which ought to have been submitted in terms with the tender notice dated 29.04.2023.

7. Admittedly, as the petitioner has failed to submit the said Income Tax clearance certificate, the Respondent Authorities have not committed any illegality in rejecting the bid of the petitioner. In that view of the matter, this instant writ petition for which the instant writ petition being devoid of any merits stands dismissed.

JUDGE

Comparing Assistant