

GAHC010182832023



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

Case No. : WP(C)/4818/2023

SWGWMDAO BASUMATARY
S/O- LATE KIRAN BASUMATARY, VILL.- SAPKHAITI, P.O. LEDAGURI, 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. D.F.A. Ahmed, Advocate

For the Respondent(s) : Mr. B. Choudhury, SC, BTC
Mr. B. Chakraborty for respondent No. 6

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 21.11.2024

Heard Mr. D.F.A. Ahmed, the learned counsel appearing on behalf of the petitioner. Mr. B. Choudhury, the learned Standing Counsel appears on behalf of the BTC Authorities and Mr. B. Chakraborty, the learned counsel appears on behalf of the private respondent.

2. The petitioner herein has assailed the communication dated 27.07.2023 whereby the Secretary, BTC has approved the bid of the respondent No. 6, for the Dhansiri Sand/Stone Mahal No. 1 for granting of mining contract under Dhansiri Forest division, Udalguri.

3. The case of the petitioner herein is that as per the tender conditions, more particularly, Clause 12, thereof the BTC Authorities could not have settled at a rate beyond 25% of the Government fixed tender value and as such making recommendation vide the impugned letter for settlement in favour of the private respondent No. 6 was contrary to Clause 12 of the Notice Inviting Tender. The

case of the petitioner therefore, revolves around Clause 12 of the Notice Inviting Tender and as such the same reproduce herein under:

‘The tenderers should preferably be a resident belonging to local people from within BTR area. In respect of tendering against each Mahal with bidding value should more than exceed above 25% of the Govt. fixed tender value and as was approved vide BTC, Kokrajhar Memo No. BTC/IBA/(M)-01/2005/IV/45-A, dtd. Kokrajhar the 3rd November/2022.’

4. From a perusal of the said Clause, it appears that the tenderer should preferably be a resident belonging to local people within the BTR area. In respect of tendering against each Mahal with bidding value should be more than exceed above 25% of the Government fixed tender value which have been approved vide BTC, Kokrajhar notification dated 03.11.2022.

5. From the said clause, it does not transpires that there is a viable range fixed that the rate cannot exceed 25% of the Government fixed tender value, rather it suggests that it should be more than 25% of the Government fixed tender value.

6. Taking into account the above, the entire case of the petitioner is misconceived for which the instant writ petition stands dismissed.

JUDGE

Comparing Assistant