

GAHC010183402024



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

Case No. : WA/315/2024

SELF DEPENDENT MOTOR DRIVER UNION AND 12 ORS
ONGC, ASSAM ASSET, NAZIRA, SIVASAGAR, A UNION, REGISTERED
UNDER THE PROVISION OF TRADE UNIONS ACT, 1926 HAVING ITS HEAD
OFFICE AT AMULAPATTI, NAZIRA, SIVASAGAR, ASSAM, REPRESENTED
BY ITS PRESIDENT SRI TARUN BORGOHAIN, S/O- LATE PARESH
BORGOHAIN, R/O- VILL.- MOTHACHIGA GOHAIN GAON, P.O. RAJMOW,
DIST. SIVASAGAR, ASSAM, PIN- 785685.

2: NABAJIT BORPATRA GOHAIN
SELF DEPENDENT MOTOR DRIVER UNION
ONGC
ASSAM ASSET
NAZIRA
SIVASAGAR
S/O- SRI BADAN BORPATRA GOHAIN
R/O- VILL.- BETBARI BORPATRA GAON
P.O. MITHAPUKHURI
DIST. SIVASAGAR
ASSAM
PIN- 785697.

3: ASSAN HUSSAIN
JOINT SECRETARY
SELF DEPENDENT MOTOR DRIVER UNION
ONGC
ASSAM ASSET
NAZIRA
SIVASAGAR
S/O- ARMAN HUSSAIN
R/O- NAZIRA AMULAPATTY
WARD NO. 6
P.O. NAZIRA
DIST. SIVASAGAR
ASSAM

PIN- 785685.

4: AJOY BORGOHAIN
S/O- LATE CHANDRA NATH BORGOHAIN
R/O- KONWARPUR
DIST. SIVASAGAR
ASSAM
PIN- 785667.

5: ABHIJIT GOGOI
S/O- MUNINDRA NATH GOGOI
R/O- BORKOLA MANIPURI GAON
P.O. SIMALUGURI
DIST. SIVASAGAR
ASSAM
PIN- 785686.

6: BABU ALI
C/O- ABDUL MAZID
R/O- DUI ALI MAZ
JENGONI KOTIA
P.O.
P.S. AND DIST. SIVASAGAR.

7: TRILUCHAN DUTTA
S/O- BANI DUTTA
R/O- BILUDAS ROAD NEAR MADHABDEV NAMGHAR
PHUKAN NAGAR
P.O.
P.S. AND DIST. SIVASAGAR
ASSAM
PIN- 785640.

8: RATAN GOGOI
C/O- THANESWAR GOGOI
R/O- HATIMURIA GAON
P.O. AND P.S. CHEREKAPER
DIST. SIVASAGAR
ASSAM
PIN- 785701.

9: HEMANTA PHUKAN
C/O- MON PHUKAN
R/O- HAHCHARA LABANG GAON
SIVASAGAR
P.O. HAHCHARA
P.S. CHEREKAPER
DIST. SIVASAGAR

ASSAM
PIN- 785701.

10: AJIJ KHAN
C/O- MOJID KHAN
R/O- TAXI ALI BYE LANE-1
JENGONIKOTIA
P.O.
P.S. AND DIST. SIVASAGAR
ASSAM
PIN- 785640.

11: BHUPEN BURAGOHAIN
S/O- PUNA BURAGOHAIN
R/O- STATION ROAD
SIMALUGURI
SIMOLU GURI TOWN
SIVASAGAR
SIVASAGAR
P.O. AND P.S. SIMALUGURI
DIST. SIVASAGAR
ASSAM
PIN- 785686.

12: NIRAN TAMULI
S/O- DURGESWAR TAMULI
R/O- 1 NO. CHOULKARA GAON
CHAUL KORA NO. 1
P.O. CHOULKARA
DIST. SIVASAGAR
ASSAM
PIN- 785667.

13: ROYAL SAIKIA
S/O- PUTUKON SAIKIA
R/O- VILL.- MOTHIASIGA GOHAIN GAON
P.O. RAJMOW
DIST. SIVASAGAR
ASSAM
PIN- 785685

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF PETROLEUM AND NATURAL GAS, NEW DELHI.

2:THE OIL AND NATURAL GAS CORPORATION LTD.

EASTERN REGION
REPRESENTED BY THE EXECUTIVE DIRECTOR (E.D.)
ASSET MANAGER
P.O. NAZIRA
DIST. SIVASAGAR
ASSAM

3:THE CHIEF GENERAL MANAGER
HEAD MM
ASSAM ASSET
ONGC (L)
NAZIRA ROB-II
ASSAM

4:THE HEAD MM

MATERIAL MANAGEMENT DEPARTMENT
CONTRACT CELL
ASSAM ASSET
EASTERN REGION
ROB-II
FIRST FLOOR
NAZIRA
ASSAM
PIN- 785685.

5:THE DEPUTY COMMISSIONER
SIVASAGAR
DIST. SIVASAGAR
ASSA

Advocate for the Petitioner : MR. P J SAIKIA, MR. L N DIHINGIA

Advocate for the Respondent : DY.S.G.I., GA, ASSAM,MR. M K DAS,FOR CAVEATOR

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

11.09.2024

O R D E R

(U.K. Nair, J.)

Heard Mr. K.N. Choudhury, learned Senior counsel, assisted by Mr. L.N. Dihingia, learned counsel for the appellants. Also heard Mr. I. Choudhury, learned Senior counsel, assisted by Mr. M.K. Das, learned counsel for the respondent Nos.2, 3 and 4.

2. The appellants have instituted the present appeal presenting a challenge to an order dated 19.08.2024 passed by the learned Single Judge in WP(C) No.4108/2024 to the extent that the prayer for interim direction was rejected in the writ petition.

3. The writ petition was so instituted by the appellants herein presenting a challenge to an NIT issued vide No.R16DC24005 for "*Hiring of Services of brand new 372 Nos. of Light vehicle (Taxi)*" for Assam Asset for a period of four years on lottery basis.

4. The learned Single Judge on considering the submissions made by the learned counsel for the parties was pleased vide order dated 19.08.2024 to issue notice in the matter fixing the same on 20.09.2024 to enable the respondents therein to file their respective affidavits.

5. The learned Single Judge on consideration of the submissions of the parties and also appreciating the fact that the change of policy pertaining to hiring of vehicles by the ONGC was already considered by this Court in the proceedings of WP(C) No.6208/2023 and the same was so upheld,

was pleased not to grant any interim order in favour of the appellant/writ petitioner herein.

6. Mr. Choudhury, learned Senior counsel for the appellant, submitted that the NIT in question is not sustainable inasmuch as the same does not provide the conditions requisite for selection of the bidders for award of the contract pertaining to hiring of services of brand new light vehicles (for taxi purposes).

7. Mr. Choudhury, learned Senior counsel for the appellant has submitted that the respondent-authorities in the present NIT did not provide for any pre-conditions or qualifications to ensure that the bidders have the requisite capacity and resources to successfully execute the contract in question.

8. The submissions so made by Mr. Choudhury, was disputed by Mr. I. Choudhury, learned Senior counsel, appearing for the ONGC authorities and he has submitted that the present NIT was so issued in terms of the policy which was so formulated after a Tripartite meeting held between the ONGC and the other stakeholders with the district administration of Sivasagar on 08.08.2023.

9. Mr. I. Choudhury, learned Senior counsel has further submitted that the modified policy coming into effect in pursuance to the said Tripartite meeting was put to challenge before this Court in the proceedings of WP(C) No.6208/2023 and this Court was pleased vide order dated 18.06.2024 to reject the said challenge.

10. Mr. I. Choudhury, learned Senior counsel for the ONGC authorities has submitted that in pursuance to the NIT, around 27,700 bids have been

received and the respondents are now in the process of scrutinizing the said bids. He, on instructions, has further submitted that the processing of the bids so received including conduct of lottery for selection of bidders for award of the contract in question would be completed by 15.10.2024. He further submits that the contract as entered into between the appellants herein would subsist till December, 2024.

11. Having noticed the rival submissions, we are of the considered opinion that at this stage, we are not called upon to enter into the merits of the matter inasmuch as a final conclusion on the rival contentions of the parties have not been so considered by the learned Single Judge.

12. Accordingly, we request the learned Single Judge to expeditiously consider WP(C) No.4108/2024 preferably before 15.10.2024. To facilitate an early consideration of the writ petition by the learned Single Judge, the ONGC authorities are directed to file their affidavit-in-opposition on or before 16.09.2024 and thereafter the appellant may file their reply on or before 20.09.2024. The learned Single Judge would thereafter on 20.09.2024 fix a date for final consideration of the issues involved and thereafter proceed to dispose of the writ petition. We also make it clear that we have expressed no opinion on the merit of the case.

13. With the above observations and directions, this Appeal stands disposed of.

JUDGE

JUDGE

Comparing Assistant