

GAHC010195752023



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

**Case No. : WP(C)/5061/2023**

TAPAN CH KALITA  
S/O- LATE BASANTA KALITA,  
R/O- WARD NO-9, PALASHBARI,  
P.O AND P.S- PALASHBARI,  
DIST- KAMRUP , ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REP. BY THE SECRETARY , MUNICIPAL ADMINISTRATION DEPARTMENT,  
GOVT. OF ASSAM, DISPUR, GUWAHATI-06

2:THE DIRECTOR  
MUNICIPAL ADMINISTRATION DEPARTMENT  
DISPUR  
GUWAHATI-06

3:THE CHAIRMAN  
PALASHBARI MUNICIPAL BOARD  
KAMRUP  
ASSAM

4:THE EXECUTIVE OFFICER  
PALASHBARI MUNICIPAL BOARD  
KAMRUP  
ASSAM

5:THE DEPUTY COMMISSIONER  
KAMRUP  
AMINGAON  
ASSAM

6:THE JOINT SECRETARY  
URBAN DEVELOPMENT DEPARTMENT  
GOVT. OF ASSAM  
GUWAHATI-03

7:THE CHIEF ENGINEER  
DEPARTMENT OF HOUSING AND URBAN AFFAIRS  
ASSAM  
RAJGARH ROAD  
GUWAHATI-0

**Advocate for the Petitioner** : MR. T K BHUYAN, MS. M KHATUN,MR A ALI

**Advocate for the Respondent** : GA, ASSAM, MS U DAS (R-3)

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**30.09.2024**

Heard Mr. A. Ali, learned counsel for the petitioner. Also heard Ms. U. Das, learned counsel for the respondent Nos. 3 & 4. Mr. M. Chetia, learned counsel appears for the respondent Nos.1, 2, 5, 6 & 7.

2. The petitioner's case is that the Palashbari Municipal Board invited bids for 8 contract works in 8 Packages, vide Notice Inviting Tender (NIT) dated 27.04.2023. The petitioner submitted bids for 6 out of the 8 works, i.e., he did not submit bids for Package Nos. II and III.

3. The petitioner's case is that the respondents had selected other bidders in violation of the terms and conditions of the NIT, though the petitioner was having all the requisite criteria for being selected as the successful tenderer. The entire process being illegal, the NIT dated 27.04.2023 should be set aside and

the contract works should be allotted to the petitioner.

4. Ms. U. Das, learned counsel for the respondent Nos. 3 & 4 submits that the petitioner's technical bid was rejected for non submission of various documents such as work experience certificate and Annexure- IV(a), IV(b), V & VII of the NIT. Ms U. Das also submits that the petitioner has not impleaded the successful tenderers in writ petition and neither has he put to challenge the disqualification of his technical bid.

5. I have heard the learned counsels for the parties.

6. The affidavit of the respondent Nos. 3 & 4 clearly shows that the petitioner's bid had been rejected on the ground that the petitioner did not submit the work experience certificate and various other documents in terms of the NIT. Further, the extract of Para 5 of the writ petition is to the following effect:-

*“But he came to know that the authority has selected the other contesting candidates by violating the NIT. As such the entire tender process is illegal. Although the petitioner repeatedly requested the authority to inform him about the rejection of his tender, but no reason mention as yet.”*

7. The above extract of para 5 of the writ petition clearly shows that the petitioner was aware that successful tenderers had been selected by the State respondents. However, the petitioner has not impleaded any of the successful tenderers as parties in the writ petition.

8. The extract of para 5 of the writ petition also shows that the petitioner

repeatedly requested the authority to inform him the reason for rejection of his tender. This clearly shows that the petitioner's tender was disqualified/rejected by the State respondents. However, the petitioner has not made any averment or prayer in his writ petition for setting aside the disqualification/rejection of his tender. In light of the absence of the prayer for setting aside the rejection/disqualification of his tender and in view of non joinder of necessary parties, this Court does not find any ground to exercise its discretion in this case.

9. The writ petition is accordingly dismissed.

**JUDGE**

**Comparing Assistant**