

GAHC010200832024



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

Case No. : WP(C)/4971/2024

GAUTAM BANIYA
S/O- RAMACHANDRA BANIYA,
R/O- JALBHARIA, MERAMUKH,
P.O AND P.S- MERAMUKH, DIST- LAKHIMPUR, PIN-784164, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EXCISE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE SUPERINTENDENT OF EXCISE
LAKHIMPUR
ASSAM

3:THE DISTRICT COMMISSIONER
LAKHIMPUR
ASSAM

4:THE ADDL.DISTRICT COMMISSIONER
EXCISE
LAKHIMPUR

5:FINANCE AND ACCOUNTS OFFICER
DC OFFICE
LAKHIMPUR

6:BIJOY KRISHNA GOGOI
S/O- SUREN GOGOI
R/O- DHALPUR
LAKHIMPUR
PIN-78416

Advocate for the Petitioner : MR. M BISWAS, A GHOSAL, J SINGPHO

Advocate for the Respondent : SC, EXCISE DEPTT., GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

24.09.2024

1. Heard Mr. M. Biswas, learned counsel for the petitioner, who submits that the petitioner had participated in the NIT dated 24.07.2024, for grant of IMFL Retail Off licence in the District of Lakhimpur for Shop No.LKP8, located at Narayanpur Town. The grievance of the petitioner is that despite the Technical Bid of the respondent no.6 being defective, the Technical Bid of the respondent no.6 has been declared to be responsive by the authorities. He submits that the Technical Bid of the respondent no.6 should be declared unresponsive and the Financial Bid of the respondent no.6 should not be opened. He also submits that the respondent authorities have completely ignored the mandatory requirements required of a bidder in respect of the respondent no.6, by allowing the Technical Bid of the respondent no.6 to pass the Technical Bid Evaluation Stage, in the absence of relevant documents and information to be provided by a bidder.

2. The petitioner's counsel submits that due to paucity of time and the fact that the Financial Bid of the bidders is to be opened shortly, he did not file any representation prior to approaching this Court.

3. Mr. R.R. Gogoi, learned counsel for the Excise Department submits that the petitioner should have first approached the respondent authorities, with a representation regarding his grievance. He submits that as the petitioner has not approached the respondent authorities, the present writ petition can be disposed of with a direction to the petitioner to submit a representation to the State respondents, which will be disposed of by the respondent authorities within a specified time period.

4. Mr. M. Biswas, learned counsel for the petitioner submits that he has got no objection to the proposal set-forth by Mr. R.R. Gogoi, learned counsel for the Excise Department.

5. In view of the consent of the parties, this writ petition is disposed of, with liberty being given to the petitioner to submit a representation with regard to his grievance to the respondent no.3, within a period of 3 (three) days from today. Thereafter the respondent no.3 shall take a decision on the petitioner's representation within a further period of one week and communicate the decision to the petitioner. Till a decision is taken by the respondent no.3, *status quo* with regard to the NIT dated 24.07.2024 shall be maintained.

JUDGE

Comparing Assistant