

GAHC010211352024



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

Case No. : WP(C)/5189/2024

PARASH KUMAR BHATTACHARJEE
S/O- LATE S N BHATTACHARJEE,
CONTRACTOR BY PROFESSION AND AS WELL AS PETITIONER IN
PERSON,
REGENT PARADISE, 2B , GHORAMARA CHARIALI, GHORAMARA,
GUWAHATI-28

VERSUS

THE SPECIAL CHIEF SECRETARY AND 4 ORS
IRRIGATION DEPARTMENT, GOVT. OF ASSAM, DISPUR, GUWAHATI-06

2:THE PRINCIPAL SECRETARY
FINANCE DEPARTMENT
DISPUR GUWAHATI-06

3:THE COMMISSIONER AND SECRETARY
IRRIGATION DEPARTMENT
DISPUR GUWAHATI-06

4:THE SECRETARY
IRRIGATION DEPARTMENT
DISPUR
GUWAHATI-06

5:THE CHIEF ENGINEER
MINOR IRRIGATION DEPARTMENT
ASSAM CHANDMARI
GUWAHATI-0

Advocate for the Petitioner : PETITIONER IN PERSON,

Advocate for the Respondent : SC, IRRIGATION, SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 04.10.2024

Heard the petitioner in person, who has prayed for cancelling the Notice Inviting Tender dated 21.09.2024 (hereinafter referred to as the NIT), on the ground that the same has been issued contrary to the provision of delegation of Financial Powers and Rules, vide Notification No. FEB.268/2016/1(B/S) dated 19.12.2016, issued by the Commissioner & Secretary to the Govt. of Assam, Finance (Estt-B) Department.

2. The petitioner's counsel submits that the NIT, which is for approximate value of Rs.7432.994 Lakhs, has been issued by the Chief Engineer, Minor Irrigation Department, Assam, though the same should have been issued by the concerned Superintending Engineer/Executive Engineer.

3. Mr. N. Upadhyay, learned counsel for the Irrigation Department submits that the last date for submission of tender is 18.10.2024. He also submits that there is no bar for the Chief Engineer to issue the NIT, in terms of the notification dated 19.12.2016. He also submits that the State of Assam has not been made a party to the writ petition. He accordingly submits that the writ petition should be dismissed.

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

5. A perusal of the writ petition shows that the State of Assam has not been

made a party to the writ petition.

6. The above being said, it is clear from the notification dated 19.12.2016 that the Chief Engineer has full power to issue technical sanction to original works and special repairs. Further, the Chief Engineer has got the full power to accept tenders for the value beyond Rs. 200 Lakhs. As such, this Court does not find any infirmity with the issuance of a tender for the estimated value of Rs. 7432.994 Lakhs.

7. This Court has also noticed that nowhere in the writ petition has the petitioner made any averment that he intends to participate in the NIT. Further, despite the last date for submission of tender being 18.10.2024, the petitioner has not submitted any representation to the authorities with regard to his grievance.

8. In view of the reasons stated above, this Court is of the view that the petitioner does not have any locus standi to file the writ petition, inasmuch as, the petitioner has not been able to show this Court as to what legal or fundamental right of his has been violated by the respondents, with the issuance of the NIT.

9. In view of the reasons stated above, this Court does not find any ground to exercise its discretion. The writ petition accordingly stands dismissed.

JUDGE

Comparing Assistant