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

Case No. : WP(C)/6039/2024

ASHOK KUMAR DAS
S/O LT ANIL CH DAS R/O NATUN PARA WARD NO VII HAILAKANDI P.O
AND DIST HAILAKANDI ASSAM PIN 788151

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASAM
PUBLIC WORKS ROADS DEPTT DISPUR GUWAHATI

2:THE CHIEF ENGINEER
PUBLIC WORKS ROADS DEPTT ASSAM CHANDMARI GUWAHATI 78100

For the Petitioner(s) : Mr. N.J. Khataniar, Advocate

For the Respondent(s) : Mr. P. Nayak, SC, PWD

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 20.11.2024

Heard Mr. N.J. Khataniar, the learned counsel appearing on behalf of the petitioner. Mr. P. Nayak, the learned Standing Counsel appears on behalf of the PWD Department.

2. The petitioner herein is aggrieved by the rejection of the petitioner's technical bid for not submitting the physical copies of the documents within 2.00 P.M. of 05.11.2024. It is the specific case of the petitioner, that the petitioner had duly submitted the online bid on 04.11.2024 at 06.38 P.M. However, the train by which the petitioner was travelling from Badarpur to Guwahati and was supposed to arrive at 08.45 A.M. on 05.11.2024, arrived at 5.02 P.M. on 05.11.2024 and as such, the petitioner could not submit the hard copies within the time stipulated for which the petitioner's technical bid was rejected. He submitted that his bid ought not to have been rejected as it was beyond the control of the petitioner.

3. Mr. P. Nayak, the learned Standing Counsel appearing on behalf of all the respondents drew the attention of this Court to the notice inviting tender and, more particularly, Clause 6 of the Note wherein it has been categorically mentioned that the bidder must submit hard copy in original of the documents mentioned in Sub-Clauses (a) to (e) on or before 05.11.2024 up to 14.00 hours, without which the bid would be rejected.

4. Mr. P. Nayak, the learned Standing Counsel, appearing on behalf of the respondents submitted that the petitioner very well knew the said aspect of the matter and having not submitted the hard copies in original of the documents specified in Sub-Clauses (a) to (e) of Clause 6, the petitioner technical bid was rightfully rejected.

5. This Court having heard the learned counsel for the petitioner as well as the learned counsel for the respondents has given a anxious consideration to the same.

6. This Court further takes note of that Clause 6 of the Notice Inviting Tender

wherein it was specifically mandated that the bidder must submit the hard copy in original of the documents mentioned in Sub Clauses (a) to (e), on or before 05.11.2024 up to 14.00 hours.

7. The petitioner having admittedly not submitted the physical documents i.e. the hard copies in original of the said documents on or before 14.00 hours on 05.11.2024, the technical bid of the petitioner was rightfully rejected. Under such circumstances, the rejection of the technical bid of the petitioner being justified, no case for exercise of judicial review is made out.

8. Accordingly, the instant writ petition stands dismissed.

JUDGE

Comparing Assistant