

GAHC010257002023



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

Case No. : WP(C)/6675/2023

DETHSUNG KHR DAIMARY
S/O- NAGEN DAIMARY, R/O- DHUGURI, BORIGAON, P.O. GERUA BAZAR,
P.S. ROUTA, DIST. UDALGURI, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVERNMENT
OF ASSAM, DEPARTMENT OF FOREST AND ENVIRONMENT, DISPUR,
GUWAHATI, PIN- 781006.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
AND HEAD OF FOREST FORCE
ASSAM
PANJABARI
GUWAHATI
PIN- 781037.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (T)

LOWER ASSAM ZONE
KACHARIGHAT
GUWAHATI
PIN- 781001.

4:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
PIN- 781354
ASSA

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

02.02.2024

- 1.** Heard Mr. T. Deuri, learned counsel for the petitioner and Mr. R.R. Gogoi, learned Standing Counsel, Forest Department appearing for all the respondents.
- 2.** The case of the petitioner herein is that in pursuance to a Notice Inviting Tender dated 18.09.2023, the petitioner could only submit a part of the earnest money that was required to be deposited and not the entire money. He submits that while the petitioner had submitted a part of the earnest money on 13.10.2023, the petitioner was attempting to deposit the remaining part of the earnest money on the next day, i.e., 14.10.2023. However, due to a technical glitch in the official website www.assamforestonline.in, the petitioner could not submit the entire earnest money. He accordingly prays that the respondents should be directed to reissue the tender in respect of NKD-M-16 Koupati Mining Contract Daily, so that the petitioner can participate in the tender process.
- 3.** Mr. R.R. Gogoi, learned Standing Counsel, Forest Department submits that the tender process has been finalized and in terms of the NIT dated 18.09.2023, letter of intent has been issued to the selected tenderer, i.e., M/s Select Department, Proprietor Ratul Das.
- 4.** Mr. Gogoi has also submitted that the letter No. B/4467 dated 23.11.2023 issued by the Divisional Forest Officer, North Kamrup Division, Rangia, is to the effect that the petitioner having downloaded the bid document by paying for the same online and having also paid the participation fee, the same implies that

the system was working fine.

5. As can be seen from the above letter and the submission made by Mr. Gogoi, there is nothing to show that there was any glitch in the official website of www.assamforestonline.in on 14.10.2023.

6. Mr. Gogoi also submits that the Forest Department has nothing to do with the online process for collecting the bids of the various firms and individuals in respect of the NIT dated 18.09.2023 as the same was being done by the Assam Electronics Development Corporation Ltd. (AMTRON). He further submits that the opening and evaluation of the technical bids was completed 16.10.2023, while the present writ petition had been filed only on 17.11.2023.

7. On considering the fact that the grievance of the petitioner pertains to his inability to submit a part of the earnest money on 14.10.2023, there seems to be considerable delay in approaching this Court with regard to the same, as the writ petition has been filed only on 17.11.2023. Further, as the letter of intent has already been issued to the selected tenderer, i.e., M/s Select Department, this Court is of the view that as the successful bidder has not been made a party in this writ petition along with the AMTRON (Assam Electronics Development Corporation Ltd.), represented by its Managing Director, Bamunimaidam, Guwahati-781021, this writ petition cannot be effectively decided.

8. Accordingly, in view of the reasons stated above, the writ petition stands dismissed.

JUDGE

Comparing Assistant