

GAHC010267962023



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

**Case No. : WA/473/2023**

BVG INDIA LIMITED  
REPRESENTED BY SRI PRANAY KUMAR, AGED ABOUT 37 YEARS, ASSTT.  
GENERAL MANAGER, HAVING ITS REGISTERED OFFICE AT 12143  
PRESTIGE ROYAL GARDENS, AVALAHALLI, YALAHANKA, BANGALORE-  
560065.

VERSUS

UNION OF INDIA AND 5 ORS.  
REPRESENTED BY THE CHAIRMAN OF (HEALTH AND FAMILY WELFARE),  
NIRMAN BHAWAN, NEW DELHI, 110011.

2:ALL INDIA INSTITUTES OF MEDICAL SCIENCE (AIIMS)  
GUWAHATI  
REPRESENTED BY THE ADMINISTRATIVE OFFICER OF AIIMS  
SILBHARAL CHANGSARI  
GUWAHATI  
ASSAM-781101.

3:THE EXECUTIVE DIRECTOR OF AIIMS  
GUWAHATI  
SILBHARAL  
CHANGSARI  
GUWAHATI  
ASSAM-781101.

4:THE ADMINISTRATIVE OFFICER OF AIIMS  
SILBHARAL  
CHANGSARI  
GUWAHATI  
ASSAM-781101.

5:THE CHAIRMAN PROCUREMENT CELL  
AIIMS  
GUWAHATI  
SILBHARAL  
CHANGSARI  
GUWAHATI  
ASSAM-781101.

6:M/S M.J. SOLANKI  
603/A  
C-BLOCK  
SARKHEJ-GANDHINAGAR  
HWY  
OPPOSITE KARGIL PETROL PUMP  
AHMEDABAD  
GUJRAT  
PIN-380060

**Advocate for the Petitioner** : MR. A K SAHU

**Advocate for the Respondent** : DY.S.G.I.

**BEFORE**

**HON'BLE THE CHIEF JUSTICE (ACTING) MR. LANUSUNGKUM JAMIR**

**HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

**O R D E R**

**08.01.2024**

(L.S. Jamir, C.J(Acting))

Heard Mr. S. Sahu, learned counsel for the appellant. Also heard Ms. A. Gayan, learned CGC for the respondent Nos. 1 to 5.

2. The appellants being aggrieved with the observation made by the learned

Single Judge in its order dated 27.10.2023, in WP(C)/6384/2023 has approached this Court by way of this present application.

Para-5 of the order dated 27.10.2023 reads as under:

*“5. Perused the tender documents issued by the respondent AIIMS. The petitioner failed to place any such clause of the tender documents by which the respondent AIIMS was required to disclose the technical score obtained by each of the technically qualified bidders before opening financial bids. The petitioner also could not place the relevant clause of the tender documents by which the marks assigned to each of the technically qualified bidders in the six clauses have to be specified during the declaration of technical and financial bids of the concerned technically qualified bidders. It is seen from the tender documents that 26.06.2023 was the date fixed for pre-bid meeting. But the petitioner could not place before the Court as to whether they enquired from the respondent AIIMS regarding the issues raised by the petitioner in this petition.”*

3. Further, the learned Single Judge while declining to pass a stay order has directed that the selection of the respondent No.6 as H<sup>1</sup> Bidder pertaining to the e-tender for mechanized and automated cleaning works at AIIMS, Guwahati shall be subject to the outcome of the said writ petition.

4. It is stated at the bar that the respondent Nos.1 to 5 has already filed counter affidavit in WP(C)/6384/2023 and the private respondent has made appearance.

5. Considering the order dated 27.10.2023, we see no reason as to why the

same should be interfered with. However, as the respondent Nos.1 to 5 has already filed counter affidavit; the private respondent has made appearance, and the matter involves public interest, we request the learned Single Judge to dispose of the WP(C)/6384/2023 at their earliest.

6. With the above observations, this writ appeal is disposed of.

**JUDGE**

**CHIEF JUSTICE (ACTING)**

**Comparing Assistant**