

GAHC030005912024



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

Case No. : PIL/6/2024

Sh.Lianhmingthanga
R/o DK-35,Dinthar-1,Aizawl

VERSUS

The State of Mizoram and 12 Ors
Aizawl2:The Secretary to the Govt of Mizoram department of Home
Aizawl and Chairman
Department Works .
Aizawl

3:The Director General of Police
Police Headquarters
Mizoram
Aizawl
Aizawl

4:The Asstt. Inspector of Police (Provisioning and Logistics)
Police Hqrs
Aizawl
Aizawl

5:Sri Lalparmawia

Hlimen

6:Sri Zothantluanga
Luangmual

7:Sri Hrangthankima
Edentharr

8:Sri Vanlalvuta Chinzah
Khawbung Kawnveng

9:M/s Okahito Consultancy Services

Aizawl

10:M/s Rizors Associated Services

Aizawl

11:Sri fredy Vanlalngila

Dinthar -1

Aizawl

12:Sri RMS Dawngliana

Aizawl

13:sri Laltlanmawia

Kolasib

Hmar Ven

Advocate for the Petitioner : Mr. Lalremsanga Nghaka

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1-R4

**ORDER
B E F O R E**

**HON'BLE MR. JUSTICE NELSON SAILO
HON'BLE MRS. JUSTICE MARLI VANKUNG**

03.10.2024
(Nelson Sailo, J)

Heard Mr. Lalhriatrenga Chhangte, learned counsel for the petitioner who submits that in terms of the last Court's Order dated 18.09.2024, the petitioner has filed an additional affidavit incorporating the address of the private respondents in detail.

The learned counsel submits that the petitioner has come before this

Court to espouse the illegalities committed by the State respondent authorities in selecting the private respondents for the works mentioned in the notice inviting the Tender No. 1 SASCI/DGP/2023-2024 dated 31.01.2024 (Annexure-1). He submits that the petitioner has no personal interest and that he has filed his writ petition in view of the fact that the State respondents have ignored the quotation made by the prospective tenderers, which were below the SOR but within the range of the workable rates. The respondent authorities, on the other hand, without considering the bids of the tenderers who had quoted below the SOR have settled the tender with the private respondents who quoted their rates exactly as per the SOR. By accepting the rates of the private respondents the State Government has incurred huge loss from the Public Exchequer amounting to more than 120 lakhs. Since the interest of the public is involved, the petitioner has filed the instant PIL.

Upon perusing the notice inviting tender dated 31.01.2024, we find that as per the terms and conditions under Clause-6, it is provided that any tenderers who quote rate beyond 5% below or 10% above SOR, 2019 for Mizoram PWD building should attach analysis of rates to justify their rates without which the tender will be treated as invalid. The same would go to show that not only up to 5% below and 10% above the SOR is permissible but the

variance beyond this is also permissible but however subject to there being justification. The petitioner has contended that the selected tenderers have quoted rates as per the SOR. Since the same is as per the terms and conditions of the NIT, we see no reasonable grounds to entertain this PIL and more particularly when the Gauhati High Court PIL Rules, 2011 under clause-8(iv) provides that disputes relating to contractual or statutory liabilities will not be construed as PIL, which is filed in the form of letters patent. We are of the considered view that same spirit would apply even if a writ petition is filed. Situation would have been different if the persons who had not been selected had approached this Court with their grievance.

In view of above, we are not inclined to entertain the PIL and accordingly, the same is dismissed.

JUDGE

JUDGE

Comparing Assistant