

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(WA) No. 1 of 2023

D. Yongnyak Konyak

Applicant

Vs.

National Project Construction Corporation Limited and Another

Respondents

With WA No. 1 of 2023

With WA No. 2 of 2023

BEFORE

HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

24.04.2025

(D. Krishnakumar, C.J.) :

[1] Mr. N. Ibotombi, learned senior counsel assisted by Ms. N. Savitri, learned counsel, appears for the appellant and Mr. S. Biswajit Meitei, learned senior counsel assisted by Mr. W. Sanatomba, learned counsel, appears for the respondents.

[2] The present writ appeals have been filed as against the order of the writ court for dismissing the writ petitions.

[3] Learned senior counsel appearing for the appellants would submit before this Court that the writ petition, WP(C) No. 162 of 2020 was filed praying for quashing the impugned Cancellation Notice dated 03.01.2020, letter dated 08.01.2020 and the two Notice Inviting Tender (NIT) dated 15th February, 2020 and to direct the respondents to consider the case of the petitioner being L-1 in

the said bidding of NIT No. 799782/D/CAU-Imphal/CA/2016-17/15 dated 04.01.2017 and WP(C) No. 123 of 2022 was filed to quash the impugned NIT dated 28.01.2022. The said writ petitions came to be dismissed by this Court by relying upon the various decisions of the Hon'ble Supreme Court.

[4] Learned senior counsel appearing for the appellants fairly states before this Court that the appellant is agreed to execute the entire construction work as per the rate quoted by him at the time of participating the tender process and shall not seek any difference amount in carrying out the said work without compromising in maintaining the quality of the work.

[5] Learned senior counsel appearing for the respondents submits that he has also got the written instructions from the respondents that at present, the price is increased by 36%, considering the current situation the appellant may not be possible to execute and complete all the projects.

[6] In these circumstances, we are of the view that when the appellant undertakes that he will complete the entire construction of NIT No. 799782/D/CAU-Imphal/CA/2016-17/15 dated 04.01.2017 as per the rate quoted by him at the time of submitting the tender and also without seeking any difference amount in carrying out the said work without compromising in maintaining the quality of the work. In these circumstances, this Court is of the view that any increase of price would also amount to huge expenses of the State and considering these facts, we are of the view that the same may be considered by the respondents. Therefore, we direct the respondents to take appropriate decision for extending the contract work, as there are lot of changes in the price of the raw materials/commodity, considering

the request made by the appellant for executing the construction work within the stipulated time

[7] The appellant has also filed an affidavit dated 21.04.2025 before this Court and undertakes that he is willing to carry out the construction of NIT No. 799782/D/CAU-Imphal/CA/2016-17/15 dated 04.01.2017 as per the rate quoted at the time of participating the tender process and shall not seek any difference amount in carrying out the said work without compromising in maintaining the quality of the work. Though in the last clause he makes a request that opportunity may be granted to request the respondents to consider to revise the rate of the contract work as permissible under the law as there are lot of changes of price of the raw materials/commodity. Counsel for the appellant would clarify that it is for the respondents to consider without seeking any right on this aspect.

[8] Considering the submission made by the appellant, we are inclined to pass the order as follows :

- 1) We modify the order of the learned Single Judge by directing the appellant to make his application to the respondents along with affidavit dated 21.04.2025 filed before this Court within 1 (one) week from the date of receipt of the certified copy of the order.
- 2) On receipt of the said application within the aforesaid period, respondents are directed to take appropriate decision for considering the said request made by the appellant for

executing the construction work in proper perspective within the stipulated time.

- 3) Further, the said direction should be exercised and completed within the period of 6 (six) weeks from the date of the receipt of the application.

[9] Accordingly, the writ appeals and the connected miscellaneous application are allowed.

Sushil

JUDGE

CHIEF JUSTICE