

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

WP(C) No.438 of 2023

Md.Abdul Gafoor Shah	... Petitioner
-Versus-	
State of Manipur & 3 Ors	... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
24.1.2025

Heard Mr.A.Romenkumar, learned senior counsel assisted by Mr.R.K.Banna, learned counsel for the petitioner and Mr.Kh.Athouba, learned Government Advocate on behalf of the State respondents.

The petitioner, who is the lowest bidder and duly recommended by the Higher Tender Committee, approached this Court for setting aside the impugned order dated 17.5.2023 issued by the Deputy Secretary, Forest, Environment and Climate Change, Government of Manipur cancelling the tender for supply of animal feed for Manipur Zoological Garden for two years, for the period 2022-2024. Vide order dated 2.6.2023 in WP(C) No.438 of 2023, this Court stayed the effect and operation of the impugned order dated 7.5.2023.

Mr.A.Romenkumar, learned senior counsel for the petitioner submits that the impugned order is in violation of the Office memorandum dated 28.2.2015 issued by the Special Secretary, Finance, Government of Manipur that recommendation of the Tender Committee will be valid for one year and in the present case the recommendation of the Tender Committee was made on 25.3.2023 by cancelling the order dated 17.5.2023 which is within the period of one year as per Office Memorandum quoted above.

Mr.Kh.Athouba, learned Government Advocate, without going into merit of the case refers to the additional affidavit filed by the State respondents, and stated that due to the stay granted by this Court, State Government is procuring animal feed from the open market at the rate higher than the rate quoted by the petitioner herein and thereby the State exchequer has incurred extra expenditure.

In the Annexure R/2 of additional affidavit filed on 9.10.2024, the market rate and rates quoted by the petitioner and other L.2 bidders are given.

On perusal of the chart prepared by the State respondents it is seen that all the items procured by the State Government from open market, except for bread, are at the rate higher than the rate quoted by the petitioner herein.

At this stage Mr.A.Romenkumar, learned senior counsel for the petitioner submits that the petitioner may be permitted to supply animal feeds for the statutory period of two years w.e.f. today at the rate quoted by him.

Mr.A.Romenkumar, learned senior counsel for the petitioner submits that the petitioner may be permitted to supply Bread at the rate of Rs.25/- at market rate as the rate quoted by the petitioner i.e. Rs.65/- is Rs.40/- more.

Considering the materials on record and submissions made at the Bar, the impugned order dated 17.5.2025 cancelling the tender process is set aside. The State respondents are directed to allow the petitioner to supply the animal feed at the rate quoted by him except for Bread which will be at the market rate of Rs.25 per Kg. by maintaining quality.

With this observation and direction, the writ petition is disposed of. Petitioner is permitted to supply animal feed to the Manipur Zoological Garden for a period of two years w.e.f. 1.2.2025

at the rate quoted by him, except for the Bread, which will be Rs.25/- prevailing market rate as submitted by the State.

Furnish a copy of this order to learned counsel for the parties.

JUDGE

Priyojit

RAJKUMAR
R PRIYOJIT
SINGH

Digitally signed
by RAJKUMAR
PRIYOJIT SINGH
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