

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.191/2025**

Shri Bivas Bhattacharjee, S/O. Timirari Bhattacharjee, Sole Proprietor of ACME Rubber Nursery Having his residence at Village and P.O. Chandrapur, Surabhi Ashram Road, District-North Tripura.

..... Petitioner(s).

V E R S U S

1. The Rubber Production Commissioner, Having his Office at Rubber Board, PB No.1122, Sub-Jail Road, Kottayam, PIN 686002, Kerala.
2. The Joint Rubber Production Commissioner, P.O. Kunjaban, P.S. New Capital Complex, Agartala, West Tripura.
3. The Union of India, Represented by the Secretary, Ministry of Micro, Small and Medium Enterprises, New Delhi 110001.
4. Manimalayar Rubbers Private Limited Rubber Board Complex, P.O. Chandmari, Kunjaban, Agartala, West Tripura, PIN 799006.
5. Tripura Latex Private Limited, Quarter No.A1, Rubber Board Complex, Chandmari, P.O. Kunjaban, Agartala, West Tripura, PIN 799006.
6. Shri Ballab Chandra De, BALLAB CHANDRA DE RUBBER NURSERY, P.O. Hadra, Udaipur, Gomati, Tripura, PIN 799120.
7. Shri Ashit Chandra Das, Kalashimukh, P.O. Baikhora, Santirbazar, South Tripura, PIN 799144.
8. Shri Arun Kumar Reang, Kalashimukh, P.O. Baikhora, Santirbazar, South Tripura, PIN 799144.
9. Md. Sahinor Akter, AKTER NURSERY. Paharpur, Jatrapur, P.O. Kathalia, Sepahijala, Tripura, PIN 799131.
10. Shri Anjan Dey, JOYRAM NURSERY, Karaiyamura, P.O. Bagabasa, Gomati, Udaipur, Tripura, PIN 799114.
11. Shri Nilamoy Debnath, Rubber NURSERY, P.O. Birchandranagar, Takmacherra, Santirbazar, South Tripura, PIN 799125.
12. Shri Samarjit Nag, SAMARJIT NAG RUBBER NURSERY, P.O. Bagma, Udaipur, Gomati, Tripura, PIN 799114.
13. Smt. Mamata Datta Nag, MAMATA DATTA NAG RUBBER NURSERY, P.O. Bagma, Udaipur, Gomati, Tripura, PIN 799114.
14. Smt. Soma Pal Nag, C/O. Pradip Nag, SOMA RUBBER NURSERY, P.O. Bagma, Udaipur, Gomati. Tripura, PIN 799114.
15. Shri Bikash Tripura, SARYA NARSARI, Kalma, P.O. Muhuripur, Baikhora, Santirbazar, South Tripura, PIN 799142.
16. Md. Usman Mia, TRIPURA NURSERY and MACHINERIES, P.O. East Kanchanbari, Kumarghat, Kanchanbari, Tripura, PIN 799267.
17. Shri Pinku Roy Bhattacharjee, Prayash Nursery, Thadhya, Joynagar, Ward No.34, P.O. Agartala, Agartala, West Tripura, PIN 799001.

18. Shri Rohan Debbarma, BAITHANG NURSERY, North Dhumacherra, Dhumacherra, P.O. Longtarai Valley, Dhalai, Tripura.
19. Shri Hiralal Das, EVERGREEN RUBBER NURSERY, East Lamburcherra, P.O. Lamburcherra, Kamalpur, Dhalai, Tripura, PIN 799267.
20. Shri Shyamal Shil, SRI DURGA RUBBER NURSERY. Kalma, P.O. Muhuripur, Santirbazar, South Tripura, PIN 799142.
21. Shri Nidhir Ghosh, SAGAR RUBBER NURSERY, Kalachari No.2, Manikbhandar, P.O. Kamalpur, Dhalai, Tripura, PIN 799287.
22. Shri Ajit Kumar Das, SRI DURGA RUBBER NURSERY, Kalachari, Manik Bhandar, Kamalpur, Dhalai, Tripura, PIN 799287.
23. Shri Sujit Das,JOY KALI RUBBER NURSERY, Kalachari, P.O. Manik Bhandar, Kamalpur, Dhalai, Tripura, PIN 799287.

.....Respondent(s).

For Petitioner(s)	: Mr. Sankar Kr. Deb, Sr. Advocate, Mr. Saugat Datta, Advocate.
For Respondent(s)	: Mr. Bidyut Majumder, Dy. S.G.I.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA

Order

28/04/2025

Heard Mr. Sankar Kr. Deb, learned senior counsel assisted by Mr. Saugat Datta, learned counsel appearing for the petitioner and Mr. Bidyut Majumder, learned Deputy S.G.I. appearing for respondent No.3.

Petitioner has made the following prayers:

"(I) Issue a Rule calling upon the respondents and each one of them to show cause as to why a Rule in the nature of Certiorari and/or in the nature thereof shall not be issued for sending unto this Hon'ble Court the records relating to this petition;

(II) Issue a Rule calling upon the respondents and each one of them to show cause as to why a Writ of Mandamus and/or in the nature thereof shall not be issued in favour of the petitioner mandating/directing the respondent Nos. 1 and 2 to issue appropriate supply order in favour of your humble petitioner in consonance with and not in repugnance to the extent of the tender submitted by your humble petitioner in consonance with the mandatory provision as issued by the respondent No.2 vide order dated 23rd March, 2012 (Annexure 7 supra);

(III) Issue a Rule calling upon the respondents and each one of them to show cause as to why a Writ of Prohibition and/or in the nature thereof shall not be issued restraining the respondent Nos. 1 and 2 and each one of them to act in derogation and in defiance with the mandatory provision as mandated vide order dated 23rd March, 2012 (Annexure 7 supra) and if so in so

mandating pass appropriate order with respect to any supply order if so made in favour of the respondent Nos. 4 to 23 and/or any one of them;

(IV) In the interim an order in terms of II) and III) above;

(V) After hearing the parties be pleased to make the Rule absolute in terms of (I), (II) and (III) herein above;

(VI) Any other relief(s) as to this Hon'ble Court may deem fit and proper."

A statement has been made at paragraph-29 of the writ petition that to the best of his knowledge, petitioner is the only MSME and that none of the respondents No.4 to 23 is registered as MSME. This statement is not supported by any information either obtained from the respondent-Board or under RTI. On the other hand, the respondent-Board in reply to the petitioner's letter dated 12.03.2025 made a categorical statement vide letter dated 25.03.2025 (Annexure-18) that provisional acceptance letters have been issued to 65 MSMEs who participated in the tender and the quantity for which provisional acceptance letters have been issued to MSMEs is more than 50%. In such a state of insufficient pleadings, after some arguments, learned senior counsel for the petitioner seeks permission to withdraw the writ petition with liberty to file a fresh petition with all supporting material facts and documents.

Permission is granted.

The writ petition is dismissed as withdrawn.

Pending application(s), if any, also stands disposed of.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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