

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.442 of 2024

Kohinoor Cycles Private Limited, (to be represented by) Sri Pnkaj Sachdeva,
Authorized Representative, Office address at D-160, Phase-VI, Focal Point,
Ludhiana, Punjab, Pin-141010.

..... Petitioner(s)

V E R S U S

1. The State of Tripura, to be represented by the Secretary, Education (School) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S. – New Capital Complex, Agartala, West Tripura, Pin-799010.
2. The Secretary, Education (School) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S. – New Capital Complex, Agartala, West Tripura, Pin-799010.
3. The Director of Secondary Education, Tripura, Directorate of Secondary Education, Tripura, Shiksha Bhavan, Agartala, West Tripura, Pin 799001.
4. Instant Procurement Service Private Limited (to be represented by) The Managing Director, Instant Procurement Service Pvt. Ltd., Office Address at 1st Floor, 1/19-B Calcutta Insurance Building, Asaf Ali Road, Central Delhi, Pin 110002.
5. Eduspark International Private Limited (to be represented by) The Managing Director, Eduspark International Pvt. Ltd., Office Address at 501, 5th Floor, Interface 11, Off. Link Road, Malad West, Mumbai, Maharashtra, Pin 400064.
6. Skill Tree Consulting Private Limited (to be represented by) The Managing Director, Skill Tree Consulting Pvt. Ltd., SCE, 202, The Skycourt, Garden City, Sector 86, Gurugram, Haryana, Pin 122004.

..... Respondent(s)

For Petitioner(s) : Mr. Purusuttam Roy Barman, Sr. Advocate,
Mr. Dipjyoti Paul, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

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

17/03/2025

Heard Mr. Purusuttam Roy Barman, learned senior counsel
assisted by Mr. Dipjyoti Paul, learned counsel for the petitioner and Mr.
Karnajit De, learned Additional Government Advocate for the respondents-
State.

Petitioner was technically disqualified as per the intimation uploaded in the website on 03.06.2024 in the NIT dated 14.03.2024 read with corrigendum dated 28.03.2024 issued by the Secondary Education Department. The NIT was issued for purchase of bicycles for the girls students of high schools. Petitioner claims to have fulfilled all the eligibility criteria. Petitioner also complains that the intimation did not disclose the reasons for technical disqualification. It only stated "not fulfill the criteria". Thereafter, financial bids were opened on 05.06.2024 in which three bids were found valid. As such, petitioner had approached this Court on 02.07.2024. Respondents-State were asked to file their counter affidavit in the matter.

In the counter affidavit, the respondents-State took a plea that the petitioner did not fulfill the eligibility criteria under Clause 2(f) and 2(l) of the bid document which are as under:

"2 (f) The Bidder should have three purchase order for more than 9 cr each from the Education Department of any State in any of the last three Year (2021-22, 2022-23, 2023-24) in India. Bid specific CA Certified document specifying the value of work with the proper UDIN along with the copy of Purchase order, Tax Invoices, Proof of Delivery and CRAC or Completion certificate from the competent authority needs to be submitted at the time of bid submission.

2(l) The Bidder should have minimum of 150 employees on its Payroll Full time/ contractual, HR Undertaking and the Employee's Provident Fund, Electronic Challan cum Return (for each of the last three months) of company to be submitted on company letterhead."

The petitioner also filed a reply. On the previous date when the matter was taken up, Mr. K. Dey, learned Additional Government Advocate for the respondents-State informed that the work had been executed by delivery of bicycles by respondent No.4. It is submitted that the writ petition has become

infructuous as not only the work has been executed but the payments have also been made.

Therefore, learned counsel for the petitioner submits that the instant writ petition may be disposed of keeping the legal issue open.

In that view of the matter, the instant petition is disposed of as infructuous. The legal issue raised by the petitioner is left open to be raised in appropriate proceeding.

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

(S. D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

