

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No.782 of 2024**

Shreeram Fertilizer & Agro Chemicals

.....Petitioner(s);

Versus

Airports Authority of India & others

.....Respondent(s).

For Petitioner(s) : Mr. Dipjyoti Paul, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Deputy SGI,  
Mr. Prasanta Kr. Pal, Advocate,  
Mr. Saugat Datta, Advocate,  
Ms. Maitri Majumder, Advocate.

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

**Order**

**04/02/2025**

Heard Mr. Dipjyoti Paul, learned counsel for the petitioner and  
Mr. Prasanta Kr. Pal, learned counsel for the respondents-Airports Authority of  
India.

Reference is made to the order dated 17.12.2024 which reads as  
under:

“Mr. Dipjyoti Paul, learned counsel for the petitioner, submits that in the NIT dated 26.07.2024 petitioner participated as a Micro, Small and Medium Enterprises (MSME, for short) and was exempted from submitting EMD. After qualifying the technical bid, however, he has been shown as L-2 whereas one Reliance Pest Control has been shown as L-1. Respondent No.3, Reliance Pest Control, is not an MSME. As per Clause-8 of the NIT, Purchase preference will be given to Micro and Small Enterprises (MSEs) as defined in Public Procurement Policy for MSEs Order, 2012 dated 23.03.2012 issued by Ministry of Micro, Small and Medium Enterprises and its subsequent Orders/Notifications issued by the concerned Ministry. In respect of bid for Services, which is the present one, the bidder must be the Service provider of the offered service. Relevant documentary evidence in this regard shall be uploaded along with the bid in respect of the offered product or service. If L-1 is not an MSE and MSE Seller(s) has/have quoted price within L-1+ 15% of the margin of purchase preference/price band defined in relevant policy, such Seller shall be given opportunity to match L-1 price and contract will be awarded for percentage of 15% of total value.

Learned counsel for the petitioner submits that the L-1 bid of respondent No.3 is Rs.39,39,453.63/- whereas petitioner's bid declared as L-2 is for Rs.39,44,912.90/-, i.e. within 15% of the L-1 value. However, despite representation made on 11.09.2024 and legal notice dated 24.09.2024 (Annexure-6 & 7 respectively), respondents have not given any reply nor issued any work

order till date in favour of L-1. Apprehending issuance of work order in favour of respondent No.3, petitioner has approached this Court.

Mr. Bidyut Majumder, learned Dy. S.G.1. appears for the Union of India. He is allowed time to seek instructions from the respondents No.1 and 2 under whose authority the NIT (Annexure-4) was issued on 26.07.2024.

Let the matter appear on **07.01.2025**.”

Counter affidavit has been filed by the respondents-Airports Authority of India. Learned counsel for the respondents-Airports Authority of India Mr. Pal submits that the writ petition is premature as the work has not yet been allotted to anyone.

Mr. Dipjyoti Paul, learned counsel for the petitioner, therefore, seeks permission to withdraw the writ petition.

In that view of the matter, the instant writ petition is dismissed as withdrawn.

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

**(S.D. PURKAYASTHA), J**

**(APARESH KUMAR SINGH), CJ**

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