



Serial Nos. 4&5
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 29 of 2024 with
WA No. 34 of 2024

Date: 07.02.2025

WA No. 29 of 2024

State of Meghalaya through Secretary,
Department of Health and Family Welfare, Govt. of Meghalaya.

...Appellant

- versus -

1. Megindia Medical Supplier through its proprietor (i.e., Mr. Rakesh Giri) having its registered address at Fancy Valley, Tura, West Garo Hills, Meghalaya, 794001

...Respondent

2. Tura Civil Hospital through its Superintendent, Tura, West Garo Hills District, Meghalaya.

3. Department of Health Services (M.I.) through its Director, Shillong, Meghalaya.

4. The Tender Committee through its Member(s) Tura Civil Hospital, Tura, West Garo Hills District, Meghalaya.

5. Deputy Commissioner, Tura, West Garo Hills District, Meghalaya.

6. Areng Medical Supplier at Tura, West Garo Hills District, Meghalaya.

...Proforma respondents

WA No. 34 of 2024

Areng Medical Supplier, Lower Chandmari, Tura, District-West Garo Hills, Meghalaya-794001

...Appellant

- versus -



1. Megindia Medical Supplier through its proprietor (i.e. Mr. Rakesh Giri) having its registered address at Fancy West Valley, Garo, Meghalaya, 794001
2. State of Meghalaya through Secretary, Department of Health and Family Welfare, Govt. of Meghalaya.
3. Tura Civil Hospital through its Superintendent, Tura, West Garo Hills District, Meghalaya.
4. Department of Health Services (M.I.) through its Director, Shillong, Meghalaya.
5. The Tender Committee through its member(s), Tura Civil Hospital, Tura, West Garo Hills, Meghalaya.
6. Deputy Commissioner, Tura, West Garo Hills District, Meghalaya.

...Respondents.

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance in WA No. 29 of 2024:

For the Appellant : Mr. A. Kumar, AG with
Ms. S. Laloo, GA

For the Respondents : Mrs. R. Dutta, Adv. with
Ms. K. Decruse, Adv.
Mr. S. Datta, Adv.
Mr. M.L. Nongpiur, Adv.

Appearance in WA No. 34 of 2024:

For the Appellant : Mr. S. Datta, Adv.
Mr. M.L. Nongpiur, Adv.

For the Respondents : Mr. A. Kumar, AG with
Ms. S. Laloo, GA



(Per the Hon'ble, the Chief Justice) (Oral)

These appeals concern the award of contract by the State for supply and installation of a sophisticated medical equipment to carry out MRI. The tender was awarded in favour of Areng Medical Supplier.

The tender process was challenged by Megindia Medical Supplier by filing the instant writ petition. It was heard by a learned single judge who by the judgment and order under appeal quashed the tender.

The State of Meghalaya and Areng Medical Supplier are in appeal before us by filing separate appeals. In the meantime, as submitted by learned Advocate General, the successful bidder has proceeded with execution of the contract.

Now, learned counsel for Megindia Medical Supplier submits on instruction that her client is withdrawing the bid. Such permission is granted and the bid is deemed to be withdrawn.

In those circumstances, the cause of action in the writ as well as in these appeals does not survive.

Hence, these appeals are disposed of by dismissing the writ petition, vacating the impugned judgment and order. The State of Meghalaya and Areng Medical Supplier are made free to proceed with execution of the subject contract.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice