



Serial No. 1
Supp. 1 List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 272 of 2025

Date of Decision: 24.06.2025

M/s Tribeni Constructions Ltd.,
a company incorporated under the
Companies Act, 1956, having its
Registered office at Tribeni Commercial
Complex, 2nd Floor, G.S.Road,
Ulubari, Guwahati- 781007, represented
by its authorized representative.

...Petitioner

-Versus-

1. State of Meghalaya represented by
the Secretary to the Government of
Meghalaya, Urban Affairs Department,
Shillong.
2. Director, Directorate of Urban Affairs,
Government of Meghalaya, Shillong.

...Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. S.Sen, Adv.
Mr. M.L.Nongpiur, Adv.

For the Respondent(s) : Mr. A.M.Tripathi, Adv. with
Ms. Z.E.Nongkynrih, GA
Ms. R.Colney, GA.



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| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. Heard Mr. S.Sen, learned counsel for the petitioner.
2. Issue notice.
3. Mr. A.M.Tripathi, learned counsel with Ms. Z.E.Nongkynrih, learned GA is present on behalf of both the respondents, as such, no further notice is called for.
4. The grievance of the writ petitioner as projected, is with Clause 3.3 of Section I of the Instructions to Bidders (ITB), dated 15-05-2025 issued by the respondents for construction of a Model Secretariat at Tura, West Garo Hills, wherein it is provided that a bidder whose proprietor/ partner/ director/ organization having any FIR/ police case/ CBI case/ any ongoing cases due to corrupt or unethical practices during tenders/execution of contracts, or is/was barred from participating in the tenders/during execution of contract in any Central/State Government Organization etc., will be barred from submitting its bid.



5. Mr. S.Sen, learned counsel for the petitioner submits that the Clause as inserted in the Instructions to Bidders is offensive, inasmuch as, the same has prejudiced the writ petitioner, who though a proceeding is pending against him, has not been convicted and furthermore, charges are yet to be framed in the matter. He further submits that he may be allowed to at least submit his bid and the same be subject to the outcome of the writ petition.

6. Mr. A.M.Tripathi, learned counsel for the respondents in reply, has drawn the attention of this Court to page 22 of the writ petition and has submitted that the said tender i.e. Invitation For Bids had been floated since 15th May, 2025 and the last date and time for receipt of the bids is tomorrow the 25th June, 2025 at 14.30 hours. He submits that if the petitioner was genuinely aggrieved, they would have approached this Court at a much earlier date, but however, has chosen to come at this late hour, which will jeopardise the entire process if any orders are passed on the prayer made. He submits that in view of the delay and also the fact that the petitioner has never preferred even a representation or petition, or attended the pre-bid meeting to question the tender conditions, no interference is called for and the writ petition is liable to be dismissed.

7. On hearing the learned counsel for the parties, it is noted that as submitted, the tender conditions contained at Clause 3.3. bars a bidder who



has a criminal case/ FIR/ police case/ CBI case or any ongoing cases due to corrupt practices from participating in the bid. However, it is also noted that the tender or ITB has been floated as far back as 15th May, 2025, and the writ petitioner has filed this petition only today itself and sought for urgent listing which the Court has allowed and as such, the matter is being considered. On consideration of the entire matter, though the tender condition is questionable as to its appropriateness, the very fact that the writ petitioner has never questioned the same at an earlier stage, nor approached this Court well within time, will surely go against it if the writ petition is entertained, or any order passed at this stage as the same will jeopardise the tender process, a project that has been initiated in public interest by the State respondents.

8. The interim prayer made for allowing the writ petitioner to participate in the process therefore is rejected, and the writ petition is dismissed.

9. Matter accordingly stands closed and disposed of.

Judge