



**Serial Nos.01-04**  
**Daily List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WA No.44/2025 with  
MC (WA) No.62/2025  
WA No.45/2025  
MC (WA) No.63/2025  
WA No.46/2025  
MC (WA) No.64/2025  
WA No.54/2025

Date of order: 28.08.2025

**WA No.44 of 2025**

M/s Power Roofing, Umtru Road Village Amjok, Byrnihat, Ri-Bhoi-793122.  
..... Appellant

Vs.

1. The State of Meghalaya represented by the Chief Secretary to the Government of Meghalaya, Shillong.
2. The Secretary to the Government of Meghalaya, Housing Department, Government of Meghalaya, Shillong.
3. The Director, Directorate of Housing, Government of Meghalaya, Shillong.
4. Manaksia Aluminium Company Limited represented by Mr. Anand Kumar Chaudhary, 8/1 Lal Bazar Street, Bikaner Building, Third Floor, Kolkata-700001.
5. M/s Meghalaya Roofing, Industrial Area, Umiam, Meghalaya-793103.
6. M/s Mariem Commerce Limited, Umbir, Ri-Bhoi-793101.

..... Respondents

**WA No.45 of 2025**

M/s Power Roofing, Umtru Road Village Amjok, Byrnihat, Ri-Bhoi-793122.  
..... Appellant

Vs.

1. The State of Meghalaya represented by the Chief Secretary to the Government of Meghalaya, Shillong.
2. The Secretary to the Government of Meghalaya, Housing Department, Government of Meghalaya, Shillong.



3. The Director, Directorate of Housing, Government of Meghalaya, Shillong-793001.
4. M/s Mariem Commerce Limited, Umbir, Ri-Bhoi-793101.
5. M/s Meghalaya Roofing, Industrial Area, Umiam, Meghalaya-793103.
6. Manaksia Aluminium Company Limited, 8/1 Lal Bazar Street, Bikaner Building, Third Floor, Kolkata-700001.

..... Respondents

**WA No.46 of 2025**

M/s Power Roofing, Umtru Road Village Amjok, Byrnihat, Ri-Bhoi-793122.

..... Appellant

Vs.

1. The State of Meghalaya represented by the Chief Secretary to the Government of Meghalaya, Shillong.
2. The Secretary to the Government of Meghalaya, Housing Department, Government of Meghalaya, Shillong.
3. The Director, Directorate of Housing, Government of Meghalaya, Shillong.
4. M/s Meghalaya Roofing, Industrial Area, Umiam, Meghalaya-793103.

..... Respondents

**WA No.54 of 2025**

M/s Meghalaya Roofing represented by duly authorised partner Shri Manish Agarwal, S/o Shri Sushil Kumar Agarwal, R/o Assam Rifle Bazar, Happy Valley Shillong, East Khasi Hills District Meghalaya.

..... Appellant

Vs.

1. The State of Meghalaya represented by the Chief Secretary to the Government of Meghalaya, Shillong, East Khasi Hills District Meghalaya-793001.
2. The Secretary to the Government of Meghalaya, Housing Department, Government of Meghalaya, Shillong, East Khasi Hills District Meghalaya-793001.
3. The Director, Directorate of Housing, Government of Meghalaya, Lower Lachumiere, Shillong, East Khasi Hills District Meghalaya-793001.
4. M/s Power Roofing, Umtru Road Village Amjok, Byrnihat, Ri-Bhoi-793122.

..... Respondents

**Coram:**

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

**Appearance in WA No.44 of 2025:**

For the Appellant : Mr. D.K. Banerjee, Sr.Adv with  
 Dr. N. Mozika, DSGI  
 Mr. M.L. Nongpiur, Adv  
 For the Respondents : Mr. N. D. Chullai, AAG with  
 Mr. E. R. Chyne, GA  
 Mr. A. Mitra, Adv with  
 Mr. S. Chatterjee, Adv for R/4  
 Mr. H. L. Shangreiso, Sr. Adv with  
 Mr. T. Dkhar, Adv for R/5  
 None for R/6

**Appearance in WA No.45 of 2025:**

For the Appellant : Mr. D.K. Banerjee, Sr.Adv with  
 Dr. N. Mozika, DSGI  
 Mr. M.L. Nongpiur, Adv  
 For the Respondents : Mr. N. D. Chullai, AAG with  
 Mr. E. R. Chyne, GA  
 Mr. H. L. Shangreiso, Sr. Adv with  
 Mr. T. Dkhar, Adv for R/5  
 Mr. A. Mitra, Adv with  
 Mr. S. Chatterjee, Adv for R/6

**Appearance in WA No.46 of 2025:**

For the Appellant : Mr. D.K. Banerjee, Sr.Adv with  
 Dr. N. Mozika, DSGI  
 Mr. M.L. Nongpiur, Adv  
 For the Respondents : Mr. N. D. Chullai, AAG with  
 Mr. E. R. Chyne, GA  
 Mr. H. L. Shangreiso, Sr. Adv with  
 Mr. T. Dkhar, Adv for R/4

**Appearance in WA No.54 of 2025:**

For the Appellant : Mr. H.L. Shangreiso, Sr.Adv with  
 Mr. T. Dkhar, Adv  
 For the Respondents : Mr. N. D. Chullai, AAG with  
 Mr. E. R. Chyne, GA



Mr. D.K. Banerjee, Sr.Adv with  
Dr. N. Mozika, DSGI  
Mr. M.L. Nongpiur, Adv for R/4

---

|     |                                                                                                                                                                                                                                             |        |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| i)  | Whether approved for reporting in Law journals etc.:                                                                                                                                                                                        | Yes/No |
| ii) | Whether approved for publication in press:<br>For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order. | Yes/No |

---

**JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)**

Considering the very pragmatic and the fair stand taken by all learned counsel appearing in this batch of appeals, it has become possible for this Court to dispose of these matters today.

The government of Meghalaya by a notice dated 10<sup>th</sup> September, 2024 invited tenders for supply of aluminium roofing sheets of an approximate value of ₹69,65,00,000/-.

There were four tenderers, Manaksia Aluminium Company Limited, M/s Meghalaya Roofing, M/s Power Roofing and M/s Mariem Commerce Limited.

At the initial stage, Manaksia Aluminium Company Limited and M/s Mariem Commerce Limited were disqualified by the Tender Committee to participate in the tender on the ground of their alleged technical ineligibility. The other two tenderers, M/s Meghalaya Roofing



and M/s Power Roofing underwent the technical bid evaluation and financial bid stages of the tender process. The government, accepting the decision of the Tender Committee awarded the contract to both M/s Power Roofing and M/s Meghalaya Roofing and in the ratio of 75:25. That is to say M/s Power Roofing would do 75 per cent of the work and be entitled to that proportion of the monetary value of the contract and M/s Meghalaya Roofing 25 per cent.

On inter alia, this short issue Manaksia Aluminium Company Limited and M/s Mariem Commerce Limited preferred writ petitions in this Court, inter alia, on the ground of being declared disqualified for technical ineligibility. M/s Meghalaya Roofing also challenged the decision by a writ, being aggrieved by award of 25 per cent of the contract.

By a detailed judgment and order dated 8<sup>th</sup> May, 2025, a learned single judge of this Court upheld, inter alia, the grounds raised by Manaksia Aluminium Company Limited and M/s Mariem Commerce Limited and set aside the work order granted in favour of M/s Power Roofing and M/s Meghalaya Roofing. Hence, both M/s Power Roofing and M/s Meghalaya Roofing have preferred independent appeals as it



followed that even 25 per cent of the work awarded to M/s Meghalaya Roofing was set aside.

During the course of hearing of these appeals, it was submitted before us by Mr D.K. Banerjee, Senior Advocate that in furtherance of the award of contract in their favour, M/s Power Roofing had invested ₹62 lakhs in purchasing materials which they would utilise for performance of the contract. Learned counsel appearing for M/s Power Roofing submitted that these materials were lying stored in a godown. Payment for these materials had been made by his client to the vendor.

Mr. A. Mitra, learned counsel for Manaksia Aluminium Company Limited and M/s Mariem Commerce Limited submitted that his clients had been wrongfully not allowed to participate in the tender process on the ground of technical ineligibility.

The question which arose while hearing these appeals was that the learned single judge was considering writs preferred by two “intending” tenderers. We say “intending” because their tenders had not even been admitted at the threshold for consideration by the Tender Committee on the ground of technical ineligibility. Now, a party who had not entered the tender consideration process was allowed to maintain a writ challenging, inter alia, the decision-making process after



a formal consideration and acceptance of tenders by the decision-making authority.

According to us, the eligibility criterion of these two tenderers, Manaksia Aluminium Company Limited and M/s Mariem Commerce Limited should have been the first issue to be considered before going into anything else.

We appreciate the wisdom of learned counsel in appreciating this point and aiding us to dispose of these appeals.

We think that the tender process should be thrown wide open. The eligibility of Manaksia Aluminium Company Limited and M/s Mariem Commerce Limited be considered afresh by the Tender Committee by giving them a short hearing and by a reasoned order within four weeks from date.

We make it clear that non-availability of a MIPP certificate shall not be a ground for technical disqualification and we also make it clear that the technical eligibility of M/s Power Roofing and M/s Meghalaya Roofing found to be eligible during the subject tender process shall not be reopened or revisited.



Thereafter, the Tender Committee will proceed to process and consider the tenders in accordance with law and tender terms and conditions.

The subject tender process is not annulled but shall continue in the manner indicated above.

The impugned judgment and order is set aside.

Apart from what has been specifically dealt with and decided by us, we make it clear that we have not gone into or decided any other issue in the matter.

The appeals and the miscellaneous applications are disposed of.

**(W. Diengdoh)**  
**Judge**

**(I.P. Mukerji)**  
**Chief Justice**