



Serial No. 04
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(WA) No. 85 of 2025

Date of order: 30.10.2025

M/s Meghalaya Roofing

....Applicant

- versus -

1. 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, 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. Power Roofing,
Umtru Road Village, Amjok, Byrnihat, Ri-bhoi-793122

...Respondents

Coram:

Hon'ble Mr. Justice Soumen Sen, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Applicant : Mr H.L. Shangreiso, Sr Adv. with
Ms M. Hajong, Adv.

For the Respondents : Mr N.D. Chullai, AAG with
E.R. Chyne, GA
Dr N. Mozika, DSGI with
Mr M.L. Nongpiur, Adv. [for R4]

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |



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

The applicant is one of the successful tenderers. This application has been filed for clarification of the order passed by the coordinate Bench on 28.08.2025 by which the tender process was thrown open and the ineligibility of two tenderers held to be technically ineligible required to be considered afresh by the Tender Committee by giving a short hearing and by a reasoned order within four weeks of the date of said order.

2. In so far as the present applicant is concerned, it has been clearly stated in the said order that non-availability of MIPP certificate shall not be a ground for technical disqualification and the technical eligibility of M/s Power Roofing and M/s Meghalaya Roofing (the present applicant) found to be eligible during the subject tender process shall not be reopened or revisited. The Tender Committee shall proceed to process and consider the tenders in accordance with law and tender terms and conditions.

3. The applicant pre-empted that the Tender Committee in furtherance of the order and in implementing the said order may not take the EMD already deposited which is one of the vital technical criteria and in the event it is not accepted the applicant may be declared ineligible and its offer may be rejected on the ground of technical ineligibility. This cannot be a ground for any clarification of the order as



the order in our opinion is clear in its terms and we cannot at this stage pre-empt that any arbitrary action of the Tender Committee as the order clearly states that the Tender Committee shall process and consider the tenders in accordance with law and tender terms and conditions. The apprehension appears to be misplaced as the Tender Committee was directed to act in accordance with law and cannot deviate from the terms and conditions of the tender. If the Tender Committee acts arbitrarily, it may give rise to a fresh cause of action. Moreover, the present applicant was benefitted by the observation made by the coordinate Bench presided over by the then Chief Justice that non-availability of MIPP certificate shall not be a ground for technicality disqualification and it enures to the benefit of the present applicant.

4. Hence, we find no reason to clarify the order and the application [MC(WA) No. 85 of 2025] stands dismissed. However, there shall be no order as to costs.

(W. Diengdoh)
Judge

(Soumen Sen)
Chief Justice