



Serial No.02
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Review Pet.No.17/2025 with
MC (Review Pet.) No.13/2025

Date of order: 30.10.2025

M/s Mariem Commerce, Umbir, Ri-Bhoi District, Meghalaya
..... Petitioner

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

Coram:

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

Appearance:

For the Petitioner : Mr. S. Sen. Adv with
Mr. J. Shylla, Adv

For the Respondents : Mr. N.D. Chullai, AAG with
Mr. E.R. Chyne, GA
Dr. N. Mozika, Sr.Adv with
Mr. M.L. Nongpiur, Adv R/4
Mr. H.L. Shangreiso, Sr.Adv with
Mr. W. Khongsni, Adv for R/5
Mr. Philemon Nongbri, Adv for R/6



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

This is an application for review filed pursuant to the order passed by the Hon’ble Supreme Court on 26th September, 2025 in Special Leave to Appeal (C) No(s).27471 of 2025.

2. It appears from the order of the Hon’ble Supreme Court that on the basis of the submission made by the learned senior counsel appearing on behalf of Mariem Commerce Limited that although the petitioner was not represented the presence of the petitioner was recorded in the impugned order. The petitioner was not heard at the time of disposal of the appeal.

3. On the basis of such submission, liberty was given to the petitioner to file a review petition before the High Court within a period of two weeks with further liberty to the petitioner to challenge the impugned order in the event the review petition is dismissed.

4. The order of the Hon’ble Supreme Court also records that the petitioner’s technical bid shall not be rejected.

5. We have heard the learned counsel for the parties.



6. The learned counsel for the petitioner is not disputing the fact that the Tender Committee had rejected the offer of the petitioner on the ground of technical ineligibility. It was in that background the Hon'ble Division Bench made the following observations:

“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.”



7. It is not in dispute that the present petitioner was not represented and the Hon'ble Division Bench proceeded on the basis that Mr. A. Mitra, learned counsel appearing for Manaksia Aluminium Company Limited is also representing M/s Mariem Commerce Limited. We have requested the learned counsel to demonstrate as to what difference the presence of M/s Mariem Commerce Limited would have made as the technical bid of Manaksia Aluminium Company Limited and M/s Mariem Commerce Limited are not considered due to technical ineligibility. We could not find any satisfactory reply.

8. The technical bids of both Manaksia Aluminium Company Limited and M/s Mariem Commerce Limited were not accepted as they were found to be ineligible due to technical ineligibility.

9. The order also clearly shows that it would not cause any prejudice to M/s Mariem Commerce Limited as the eligibility is required to be considered afresh by the Tender Committee by giving the petitioner a short hearing and decide it by a reasoned order. It appears that Mariem stands on the same footing as Manaksia and similar opportunity was also extended to Manaksia.

10. One of the grounds in the writ petition challenging such disqualification or ineligibility is that no opportunity of hearing was



given to the writ petitioner, namely, M/s Mariem Commerce Limited to demonstrate that the writ petitioner is otherwise technically eligible. In short, the technical disqualification was decided without giving Mariem to show that they have the requisite technical qualification. This grievance has been redressed by directing the Tender Committee to give an opportunity of hearing and decide the technical qualification of the appellant by a reasoned order.

11. On such ground, we are not inclined to allow the review petition and the same stands dismissed.

12. MC (Review Pet.) No.13 of 2025 is also disposed of.

(W. Diengdoh)
Judge

(Soumen Sen)
Chief Justice

Meghalaya
30.10.2025
“Lam DR-PS”