

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 562 of 2026

All Manipur Contractors Association Forum & anr. ...**Petitioner/s**

Vrs.

State of Manipur & 4 ors. ...**Respondent/s**

With

MC(WP(C)) No. 584 of 2026

-B E F O R E-

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

31-07-2026

Heard Mr. S. Rupachandra, learned senior counsel assisted by Mr. Royal Ray Salam, learned counsel appearing on behalf of the petitioners ; Mr. H. Samarjit, learned senior advocate and GA assisted by Mr. W. Niranjit, learned Dy. GA appearing on behalf of the respondent Nos. 1 & 2 and Ms. Pamchui Shimray, learned counsel assisting Mr. BR Sharma, learned CGSC appearing for respondent Nos. 3, 4 & 5 .

[2] The present petition has been filed with a prayer for quashing and setting aside two notices inviting tender (NIT) both dated 10-07-2026 issued by the Chief Engineer cum EO, RED/MSRRDA, inviting the percentage rate bids, in electronic tendering system for construction of roads under Pradhan Mantri Gram Sadak Yojana (PMGSY) in respect of altogether 96 contract works.

[3] Mr. S. Rupchandra, learned senior counsel appearing for the petitioner submitted that the impugned NIT has been assailed primarily on the ground that there is deviation in the Standard Bidding Document (SBD), for Pradhan Mantri Gram Sadak Yojana(PMGSY), issued by the Government of Manipur from the Standard Bidding Document (SBD) issued by the Government of India. According to the learned senior counsel, the specific deviations are that under Section 2 of the Instructions to Bidders (ITB) issued by the Government of India, more particularly, at **para No. 4.7**, the following qualifying criteria for disqualifying the bids submitted by the bidders are provided, the same are reproduced hereunder :-

"4.7 Even though the bidders meet the above qualifying criteria, they are subject to be disqualified if they have :

(i) made misleading or false representations in the forms, statements, affidavits and attachments submitted in proof of the qualification requirements; and/or

(ii) record of poor performance such as abandoning the works, not properly completing the contract, inordinate delays in completion, litigation history, or financial failures etc.; and/or

(iii) participated in the previous bidding for the same work and had quoted unreasonably high or low bid prices and could not furnish rational justification for it to the Employer."

[4] In the said Standard Bidding Document (SBD) for Pradhan Mantri Gram Sadak Yojana (PMGSY), issued by the Government of Manipur and under Section 2, Instruction to Bidder (ITB), the criteria for disqualifying the bids are provided under **Para No. 4.7**, which are reproduced hereunder :-

"4.7 Even though the bidders meet the above qualifying criteria, they are subject to be disqualified if they have :

(i) made misleading or false representations in the forms, statements, affidavits and attachments submitted in proof of the qualification requirements; and/or

(ii) record of poor performance such as abandoning the works, not properly completing the contract, inordinate delays in completion, litigation history, or financial failures etc.; and/or

(iii) participated in the previous bidding for the same work and had quoted unreasonably high or low bid prices and could not furnish rational justification for it to the Employer.

**Note :- Inordinate Delay: The work shall be treated as inordinately delayed if the project has not been completed within 5 years from the date of issue of the work order, unless justified on compelling grounds such as court stay, etc. "*

[5] According to the learned senior counsel, at para No. 4.7 of the Standard Bidding Document (SBD), issued by the Government of

Manipur, a note has been inserted, which, according to the learned senior counsel is the specific deviation from the criteria for disqualifying the bids as provided at para No. **4.7** of the Standard Bidding Document (SBD), issued by the Government of India.

[6] The learned senior counsel submitted that in the inserted note at para No. **4.7** of the Standard Bidding Document (SBD) issued by the Government of Manipur, the period for considering inordinate delay has been fixed at 5 (five) years. According to the learned senior counsel, some of the members of the petitioner association could not complete the execution of the contract work in respect of the PMGSY Phase 1, Since, 2019 and as such, the fixing of the period of inordinate delay at 5 years will prejudice some of the members of the petitioners association.

[7] The learned senior counsel, by drawing attention of this Court at the Office Memorandum dated 09-03-2026 issued by the Ministry of Finance, Government of India, submitted that the time period for completion of the contract works under the Pradhan Mantri Gram Sadak Yojana (PMGSY-1) has been extended upto 31st March, 2027 and as such, there is no delay on the part of the some of the members of the petitioner association, in completing the contract work under the Pradhan Mantri Gram Sadak Yojana(PMGSY), Phase-1.

[8] The learned senior counsel further submitted that the note which has been inserted at para No. 4.7 of the Standard Bidding Document (SBD) for the Pradhan Mantri Gram Sadak Yojana(PMGSY-1) issued by the Government of Manipur are likely to prejudice the interest of some of the members of the petitioner association.

[9] On careful examination of the contents of the said para No. 4.7 of the Standard Bidding Document (SBD) for the Pradhan Mantri Gram Sadak Yojana(PMGSY), issued by the Government of Manipur and the note thereto, this Court is of the considered view that even though the period of 5 years has been fixed for treating the inordinate delay in completing contract work, it has also been provided that if such delay is caused on justifiable and compelling ground, the bids submitted by the such contractors cannot be rejected on the ground of inordinate delay. In my considered view, the note inserted at para No. 4.7 of the Standard Bidding Document (SBD) issued by the Government of Manipur is in the nature of enabling provision and that this note will not cause any grievance to the members of the petitioner association specially taking into consideration that the completion of the contract work executed by some members of the petitioner association with regard to the Pradhan Mantri Gram Sadak Yojana(PMGSY) Phase-1 has been extended upto 31-03-2027. Accordingly, the authorities cannot reject the bid submitted by

the members of the petitioner association, if such contractors have justifiable reasons for the inordinate delay.

[10] The learned senior counsel, taking into consideration the above factual matrix submitted that the present writ petition can be closed. In view of the submission made by the learned senior counsel, the present writ petition and the connected applications are thereby closed.

JUDGE

Dhakeshori