

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 152/2026

1. M/s Birajyoti Nirman Udyog, a partnership firm having its Head Office at AD Nagar, Police Line, P.O.+P.S. AD Nagar, District- West Tripura, Pin-799003, represented by its Partners i.e. Petitioner Nos. 2,3,4 and 5;

2. Sri Arun Kumar Dey, son of late Biraj Mohan Dey, resident of AD Nagar, Police Line, P.O.+P.S. AD Nagar, District- West Tripura, Pin-799003;

3. Smt. Kakali Das Dey, wife of Sri Arun Kumar Dey, resident of AD Nagar, Police Line, P.O.+P.S. AD Nagar, District- West Tripura, Pin-799003;

4. Smt. Anushka Dey, daughter of Sri Arun Kumar Dey, resident of AD Nagar, Police Line, P.O.+P.S. AD Nagar, District- West Tripura, Pin-799003;

5. Sri Ayush Kumar Dey, son of Sri Arun Kumar Dey, resident of AD Nagar, Police Line, P.O.+P.S. AD Nagar, District- West Tripura, Pin-799003;

..... PETITIONERS

Versus

1. The State of Tripura, represented by its Secretary, Public Works Department (R&B), Government of Tripura, New Capital Complex, P.O. Civil Secretariat-799010, P.S. New Capital Complex, District- West Tripura.

2. The Executive Engineer, Agartala Division No.III, Public Works Department (R&B), Netaji Chowmuhani, P.O. Agartala-799001, P.S. West Agartala, District- West Tripura.

3. The Chief Engineer, Public Works Department (R&B), Pandit Nehru Complex, Gurkhabasti, P.O. Kunjaban-799006, P.S. New Capital Complex, District- West Tripura.

---Respondent(s)

For Petitioner(s)	:	Mr. A. Sengupta, Advocate
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee GA
Date of hearing & delivery of judgment	:	09.03.2026
Whether fit for reporting	:	No

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)**

Heard Mr. A. Sengupta, learned counsel appearing for the petitioners as well as Mr. Kohinoor N. Bhattacharjee, learned GA appearing for the State-respondents.

2. By means of filing this writ petition, the petitioner has prayed for the following reliefs:

- “i. Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for setting aside/quashing the impugned Memorandum dated 13.02.2026 (Annexure 8 supra) issued by the respondent No.2, disqualifying petitioner No.1, from taking part/submission of bid in any bidding process of PWD, Tripura for 1(one) year;*
- ii. Call for the records, appertaining to this petition;*
- iii. After hearing the parties, be pleased to make the rule absolute in terms of prayer No. i. above;*
- iv. In the interim stay operation of the impugned Memorandum dated 13.02.2026 (Annexure 8 supra) issued by the respondent No.2, disqualifying the petitioner No.1 from taking part/submission of bid in any bidding process of PWD, Tripura, till disposal of the instant writ petition;*
- v. Any other relief(s) as to this Hon'ble High Court may deem fit and proper.”*

3. The facts of the case, lies in a narrow compass, is that the respondent No.2 by a Memorandum dated 13.02.2026 disqualified the petitioner No.1, M/s Birajyoti Nirman Udyog, from taking part/submission of bid in any bidding process of Public Works Department for 1(one) year starting from the date of issuance of the said Memorandum, without issuing any show-cause notice or without affording any opportunity of being heard to the petitioners or without considering representation of the petitioners dated 11.07.2025 and 18.07.2025.

4. The contention of Mr. Sengupta, learned counsel appearing for the petitioner is that the petitioner Nos. 2, 3 and 4 formed a partnership construction firm in the name of petitioner No.1 on 02.08.2023, and subsequently vide order dated 19.10.2023 the individual enlistment in the name of petitioner No.2 was converted in the name of petitioner No.1, partnership firm consequent to which existence of individual enlistment in the name of petitioner no.2 has become invalid. It has further submitted that upon *bonafide* mistake the petitioner No.2 has submitted the e-tender towards NIeT in his individual capacity by submitting his old enlistment, and when the same was detected the petitioner No.2 by his communications requested the respondent no.2 to cancel the bid submitted by the petitioner no.2. It has further been submitted that the respondent No.2 without affording any opportunity to the petitioners passed the impugned Memorandum dated 13.02.2026. It has further been submitted that the respondent no.2 without prior notice passed the impugned Memo. Learned counsel, in fine, has urged this court to set-aside the impugned Memo dated 13.02.2026 for all purposes. .

5. This court has meticulously gone through the record and the communications. From a plain reading of Clause 33 of Standard Bidding Document, it appears that before taking any punitive decision from debarring any bidder from taking part in bidding process, the authority is under obligation to issue show-cause notice or ask for an explanation on to that regard. Here in this case, without issuing any show-cause notice or without

asking for any explanation, the petitioners were debarred from taking part in any bidding process for a period of one year, which according to this court, is a unilateral decision taken by the respondents. Thus, it could be assumed that the said Memorandum dated 13.02.2026 is not in proper form. The law is well settled that before any punitive action is proposed to be taken against an individual which affects his rights, he must be given an opportunity to show cause. This is the essence of the rule of '**audi alteram partem**' which is the principal doctrine of natural justice.

6. At this juncture, learned GA appearing for the State-respondents has in all fairness submitted that already he has instructed the respondents and on his sensitization, the respondents indicated that they will withdraw the impugned Memo and will proceed in accordance with law.

7. In view of the above, the impugned Memorandum dated 13.02.2026 stands set-aside.

8. However, without entering into merits of the case, the instant writ petition stands disposed of giving liberty to the respondents to proceed in accordance with law. This court hopes and trusts that the respondents shall definitely proceed in accordance with law.

As a sequel, pending application(s), if any, also stands disposed.

JUDGE

SAIKAT KAR

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