Serial No.04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 570 of 2025

Date of Decision: 25.02.2026

1. M/s. Meghalaya Roofing represented by an Authorised partner Shri. Manish Agarwal, Aged about 36, S/o. Shri. Sushil Kumar Agarwal, R/o of Assam Rifle Bazar, Happy Valley Shillong.

…Petitioner

-Versus-

1. The State of Meghalaya, represented by the Chief Secretary to the Government of Meghalaya, Shillong – 793001.

2. The Secretary to the Government of Meghalaya, Housing Department, Government of Meghalaya, Shillong-793001.

3. The Government of Meghalaya, Directorate of Housing, Nokreh Building, Lower Lachumiere, Shillong-793001.

4. Tender Committee, represented by its Chairman.

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

…Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s)	:	Mr. H.L.Shangreiso, Sr. Adv. with Ms. M.Hajong, Adv.
For the Respondent(s)	:	Mr. N.D.Chullai, AAG with Mr. E.R.Chyne, GA for R 1-4. Dr. N.Mozika, Sr. Adv. with Mr. M.L.Nongpiur, Adv. for R 5.

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

JUDGMENT AND ORDER (ORAL)

1. The instant matter has come again before this Court pursuant to proceedings that had culminated before the Division Bench of this Court and subsequent events that had unfolded thereafter.

2. The brief background facts are that the writ petitioner had on an earlier occasion filed a writ petition being WP(C). No. 37 of 2025, assailing the unfair distribution of the supply order of roofing sheets, though as per the submission, they were similarly situated with the respondent No. 5 (M/s. Power Roofing), who were however awarded 75% of the supply order. The

Single Bench of this Court by judgment and order dated 08-05-2025, had then set aside the tender process and directed the State to issue fresh tenders.

3. The Division Bench of this Court then by judgment dated 28-08-2025, while setting aside the order of the Single Bench, had directed that the Tender Committee proceed to process the tenders by overlooking the non-availability of a MIPP certificate to not be a ground for technical disqualification. Relevant part of the judgment is reproduced hereinbelow:

> *"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 made 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."*

4. Thereafter, it appears the writ petitioner herein by way of MC(WA). No. 85 of 2025, had sought clarification of the judgment dated 28-08-2025,

whereafter the Division Bench then by judgment dated 30-10-2025, dismissed the said misc. application by holding that no cause of action was made out at that point of time as the Tender Committee was yet to give its final order.

5. Today, Mr. H.L.Shangreiso, learned Sr. counsel assisted by Ms. M.Hajong, learned counsel on behalf of the petitioner, in his submissions has advanced the arguments that at that point of time when the Misc. case had been filed before the Division Bench which had resulted in the jdugment dated 30-10-2025, the petitioner was not in the knowledge that the Tender Committee by letter dated 17-09-2025, had revisited the eligibility of the two tenderers i.e. the writ petitioner and the respondent No.5, and held them to be both eligible for issuance of supply orders. However, he submits strangely by letter dated 19-09-2025, the Director of Housing, who was a member of the Tender Committee itself, had raised the issue that as the Earnest Money Deposit of the writ petitioner had been withdrawn, the matter be taken up again by the Departmental Tender Committee at the earliest. Learned Sr. counsel has strenuously argued that there has been suppression on the part of the State respondents when the misc. case was heard before the Division Bench in not bringing this information on board to allow for proper adjudication, and as such, the award of the supply order of 75% based on the earlier arrangement i.e. dated 22-09-2025, is irregular and arbitrary.

Though it is admitted by learned Sr. counsel that 75% has since been allotted to the respondent No. 5, he submits that the writ petitioner is very much in contention for the award of supply of 25% and that the Departmental Tender Committee by letter dated 17-09-2025, having found the writ petitioner eligible in terms of the judgment of the Division Bench dated 28-08-2025, should be awarded the supply.

6. Mr. N.D.Chullai, learned AAG assisted by Mr. E.R.Chyne, learned GA appearing for the respondents No. 1-4, has at the outset submitted that the writ petitioner, as he stands today, is not a bidder in the tender process and that also holds true when the matter was taken up by the Departmental Tender Committee, inasmuch as, the Earnest Money Deposit had been withdrawn on 27-05-2025, after the judgment of the Single Bench. It is further submitted by the learned AAG that at the time of hearing of the writ appeal and the misc. application, the writ petitioner kept silent about this aspect and it is only now at this stage, when much water has flowed under the bridge, and the Departmental Tender Committee is to take a fresh call on the aspect of withdrawal of the Earnest Money Deposit, has filed the instant petition. He therefore, submits that the writ petition is incompetent, inasmuch as, the matter is yet to be finally decided by the Departmental Tender Committee.

7. Dr. N.Mozika, learned Sr. counsel assisted by Mr. M.L.Nongpiur, learned counsel appearing for the respondent No. 5, has also endorsed the submissions made by learned AAG, and has further submitted that in view of the judgment dated 30-10-2025, where there is a clear finding that the writ petitioner had approached the Court in apprehension, therefore, no cause of action has arisen as the Departmental Tender Committee is yet to take a final call on the matter. He further submits that the judgment of the Division Bench being binding, no relief will be available to the writ petitioner in this regard.

8. Having heard the learned counsel for the parties, what appears to still be an issue of contention at this stage is only for the remaining 25% of the supply order which is yet to be decided finally by the Departmental Tender Committee in view of the developments that had occurred in the process. Though it has been submitted by learned Sr. counsel for the petitioner that the factum of them being eligible after the judgment of the Division Bench dated 28-08-2025 was not to their knowledge, in view of the facts as they pertain today, the question of 75% for which the supply order had been issued since 22-09-2025 is no longer up for debate. The only issue that remains therefore, is on the competing claims of the writ petitioner and the respondent No. 5, which is to be decided again by the Tender Committee. This Court, though noting the fact that by the proceedings of 17-09-2025,

the Departmental Tender Committee had found both the writ petitioner and the respondent No. 5 eligible, it is pertinent to also note that the aspect of withdrawal of Earnest Money Deposit was never taken into consideration. Coupled with this fact, the judgment of the Division Bench dated 30-10-2025 being clear, the writ petition in the considered opinion of this Court, and in view of the developments that had occurred, is a writ of apprehension.

9. Accordingly, it is directed that the Departmental Tender Committee, on the facts as they stand, will take a fresh call on the 25% of the supply order and to decide the same expeditiously keeping in mind that the item of supply concerns roofing materials for distribution to below the poverty line families.

10. The writ petition is accordingly disposed of in terms of the discussion made hereinabove and the interim order stands vacated. It is expected that the entire matter should be decided within a period of one month from today. It is also made clear that the petitioner is also permitted to put in his submissions with regard to the withdrawal of Earnest Money Deposit before the Tender Committee when the matter is taken up.

Judge

Signature Not Verified
Digitally signed by SAMANTHA ANNA LIYA RYNJAH
Date: 2026.02.25 17:43:32 IST