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

**WP(C) No. 627 of 2019**

Seryyo Hungyo.

***…Petitioner***

***- Versus -***

State of Manipur & 4 Ors.

***…Respondents***

**(VIDEO CONFERENCE)**

**B E F O R E**
**HON'BLE MR. JUSTICE KH. NOBIN SINGH**

**O R D E R**

**08.07.2020**

**[1]** Heard Smt. Ayangleima, learned Advocate appearing for the petitioner; Shri N. Jotendro, learned Senior Advocate appearing for the respondent No.5 and Shri Niranjan Sanasam, learned Government Advocate for the State respondents.

**[2]** By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondent No.2 to cancel the bids of the respondent Nos.4 & 5 and also to direct the respondent No. 2 to issue work order in favour of the petitioner in respect of the package No. MN09108.

**[3]** The respondent No. 2, Chief Engineer (RED), Manipur issued an NIT dated 28/11/2018 in respect of various packages including the Package No. MN09108. Being eligible, the petitioner and the private respondents participated in the said tender process. The technical bids

were opened on 15/12/2018 and it was learnt by the petitioner that the bid of the petitioner as well as that of the respondent Nos. 3, 4 & 5 were found to be responsive and qualified for financial bids. The financial bids were opened on 06/02/2019, the result of which had shown the respondent No. 3 as L1 while the petitioner and the respondent Nos. 4 & 5 were shown as L2 jointly.

**[4]** The petitioner learnt from the newspaper that a petition being PIL No.13 of 2019 was filed by Shri Soram Dingding on the allegation that the completion certificates submitted by the respondent Nos.4 & 5 were fabricated and fake ones. The petitioner further learnt that the respondent No. 3 who was the L1, had withdrawn from the bidding in the said NIT by withdrawing his earnest money deposited in respect of the said package. Therefore, the instant writ petition had been filed by the petitioner making the prayers as aforesaid. On 16/08/2019 when the matter was listed for consideration, this Court directed that the State respondents should not proceed with the process of the tender which was extended from time to time and was later directed to continue until further orders vide order dated 10/10/2019 passed by this Court.

**[5]** According to the petitioner, the said PIL was dismissed with the direction that the petitioner therein should be given an opportunity to make a complaint/ representation to the authorities as he chose to do so. Pursuant to the said Court's order dated 05/08/2019, the petitioner therein approached the authorities concerned and accordingly, the tender committee held a meeting on 19/08/2019 to examine the matter which

passed a resolution, a copy of which was produced before this Court by the counsel appearing for the petitioner. On perusal of the said resolution, it was seen that the bids of the bidders in respect of 3 (three) packages including the package involved herein, had been rejected. On 05/03/2020 when the matter was listed for consideration, the learned counsel appearing for the petitioner prayed that the present writ petition be disposed of with the direction that the respondent No.2 should issue work order in favour of the petitioner. Accordingly, some time was granted to the learned counsel appearing for the State respondents to seek instructions as to the correctness of the said resolution. When the matter is taken up for consideration today, it has been submitted by Shri Niranjan Sanasam, learned Government Advocate that the copy of the resolution produced by the petitioner is the correct copy of its original and that the committee had decided to reject the bids in respect of all the packages with the recommendation that the same be refloated for retender.

**[6]** It has been submitted by Smt. Ayangleima, learned counsel appearing for the petitioner that since the bids of other bidders having been rejected by the tender committee, the bid of the petitioner remains valid and therefore, the respondent No. 2 shall be directed to issue work order in favour of the petitioner. But it may be noted that the validity and correctness of the said resolution of the tender committee passed in its meeting held on 19/08/2019 appears to have not been challenged by the petitioner or any other aggrieved bidders and as long as the said resolution remains valid, this Court cannot allow the prayer made by the counsel for

the petitioner. Be that as it may, the bid of the petitioner needs to be considered by the State respondents, since other bids have been either rejected by the tender committee or withdrawn by themselves.

**[7]** Accordingly, the instant writ petition stands disposed of with the direction that the petitioner shall submit a representation, within a week from today, to the respondent No.1 and in the event of such representation being submitted by the petitioner, the State respondents, namely respondent Nos. 1 & 2 shall consider it and dispose of the same sympathetically, in accordance with law, within 2 (two) weeks from the date of receipt of the representation. It is made clear that no fresh NIT shall be issued by the State respondents in respect of the package No. MN09108, LO26-Meiling to Ngaprum until the disposal of the said representation by them.

JUDGE

*Victoria*

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