**Serial No. 22**
**Regular List**

# HIGH COURT OF MEGHALAYA
# AT SHILLONG

WP(C). No. 285 of 2020

Date of Order: 08.12.2020

Shri. Bandari Ryntahtiang Vs. State of Meghalaya & Ors.

**Coram:**

**Hon'ble Mr. Justice Ranjit More, Judge.**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. S.Dey, Adv.
Ms. Q.B.Lamare, Adv.

For the Respondent(s) : Mr. A.Kumar, AG with
Mr. A.Kharwanlang, GA

1. Heard Mr. S.Dey, learned counsel for the petitioner and Mr. A.Kumar, learned AG for the respondents.

2. By this petition filed under Article 226 of the Constitution of India, petitioner is challenging the Notice Inviting Tender dated 25th August, 2020. By the said Notice, the Deputy Commissioner & Chairman, District Rural Development Agency, Ri-Bhoi District, Nongpoh invited tenders in 2(two) cover bid system i.e. Financial and Technical bids separately from registered Class-I contractors of Meghalaya P.W.D. (Buildings), Registered and Renowned Firms/Joint Venture of National repute having requisite qualifications for the work of construction of Traditional Market at Bhoirymbong, Ri-Bhoi District on or before 21st September, 2020.

3. The Notice Inviting Tender is challenged mainly on three grounds namely:

(i) 30 (thirty) days' time was not given by the department to the prospective bidders to submit the bid.

(ii) Wide publicity was not given to the Notice Inviting Tender.

(iii) Rights are reserved to the Deputy Commissioner to reject the tender.

4. Mr. S.Dey, learned counsel for the petitioner relied upon Clause 24.4 of the Tender Notice and submitted that the guidelines issued by the Finance Department, Govt. of Meghalaya are applicable. He invited my attention to the said guidelines especially Clause 1(a) and 1(d) in support of his submission that tender is required to be processed by the Tender Committee as well as wide publicity to the Tender Notice is required to be given and mandatory period of 30(thirty) days is required to be given to the prospective bidders to fill the tender.

5. Mr. A.Kumar, learned AG opposed the petition by filing affidavit-in-reply. He firstly submitted that the petitioner not being a registered Class-I contractor is not eligible to participate in the subject tender process. So far as the period of 30 (thirty) days to be given to the prospective bidders for filling the bid is concerned, he submitted that by communication dated 21st September, 2020, the last date for accepting the tenders was extended from 21st September, 2020 to 30th September, 2020. He further submitted that with regard to the publication of tender notice is concerned, the Deputy Commissioner has followed the guidelines of the Finance Department, Govt. of Meghalaya.

6. So far as the first ground on which maintainability was challenged by learned AG is concerned, Mr. S.Dey, learned counsel for the petitioner produced a certificate under which his license as Class-I contractor has been renewed for the year 2020-21. Copy of the renewed certificate is given to learned AG for perusal and learned AG thereafter submits that petitioner seems to be a registered Class-I contractor.

7. So far as petitioner's contention that wide publicity was not given to the impugned Notice Inviting Tender is concerned, the petitioner place reliance on Clause 1(d) of the Finance Department guidelines which reads as follows:

> *"**1(d)** The NIT or NIQ will be published in all local dailies and such other regional and national papers as may be appropriate, besides being published in the Meghalaya Gazette. The closing date for tenders or quotations as the case may be, shall be fixed not less than one month from the date of issue of NIT or NIQ."*

8. I find some substance in the contention of Mr. S.Dey, learned counsel for the petitioner since the impugned Tender Notice was published in 2(two) local newspapers only. Mr. A.Kumar, learned AG, however, state that there would not be any prejudice to the petitioner inasmuch as admittedly, the tender documents was published in the official website and petitioner has purchased the tender documents.

9. So far as the grievance of the petitioner that subject tender is not being supervised by the Tender Committee, learned AG made a statement that subject tender will be processed by the Tender Committee constituted under the said guidelines of the Finance Department, Govt. of Meghalaya. Statement accepted.

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10. Though the petitioner has purchased the tender documents, Mr. S.Dey, learned counsel for the petitioner contends that when petitioner had gone to submit the tender subsequent to 21st September, 2020, the tender was not accepted. This statement is disputed by learned AG.

11. Learned AG however, on instruction made a statement that in order to strike a balance, the respondents are ready and willing to accept the petitioner's tender within a period of one week. This statement is made by learned AG as the impugned tender process has not progressed due to the pendency of this petition. Mr. S.Dey, learned counsel for the petitioner submitted that learned AG's concession for acceptance of petitioner's tender within a week is acceptable to him. Statement accepted.

12. In the light of the above discussion, Mr. S.Dey, learned counsel for the petitioner fairly concedes that nothing survives for consideration before this Court.

13. Petition is accordingly disposed of.

**Judge**

Meghalaya
08.12.2020
***"Samantha PS"***