GAHC010312412019

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 9453/2019

1:M/S. NABAGRAHA ASSOCIATES
A PROPRIETORSHIP FIRM HAVING ITS OFFICE AT NOONMATI, WARD NO.23, GUWAHATI, DIST. KAMRUP (M), ASSAM, REP. BY ITS MANAGER SRI JONE SARMA.

VERSUS

1:THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HANDLOOM TEXTILES AND SERICULTURE DEPTT., DISPUR, GUWAHATI-06.

2:THE DIRECTOR
HANDLOOM AND TEXTILES
ASSAM
GNB ROAD
AMBARI
GUWAHATI-781001.

3:THE ADDL. DIRECTOR
HANDLOOM AND TEXTILES
ASSAM
GNB ROAD
AMBARI
GUWAHATI-781001.

4:THE FINANCE ADVISOR
HANDLOOM AND TEXTILES DEPTT.
DISPUR
GUWAHATI-06.

5:THE FINANCE AND ACCOUNTS OFFICER

OFFICE OF THE DIRECTORATE OF HANDLOOM AND TEXTILES
ASSAM
GNB ROAD
AMBARI
GUWAHATI-781001

Advocate for the Petitioner : MR S S DEY

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C) 9416/2019

1:M/S. NABAGRAHA ASSOCIATES
A PROPRIETORSHIP FIRM HAVING ITS OFFICE AT NOONMATI
WARD NO.23
GHY
DIST.- KAMRUP (M)

ASSAM
REP. BY ITS MANAGER
SRI JONE SARMA
39 YEARS

VERSUS

1:THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPTT.
DISPUR
GHY-6

2:THE DIRECTOR
HANDLOOM AND TEXTILES
ASSAM
GNB ROAD
AMBARI
GHY-01

3:THE ADDL. DIRECTOR
HANDLOOM AND TEXTILES
ASSAM
GNB ROAD
AMBARI
GHY-01

4:THE FINANCE ADVISOR
HANDLOOM AND TEXTILES DEPTT.
DISPUR
GHY-06

5:THE FINANCE AND ACCOUNTS OFFICER
OFFICE OF THE DIRECTORATE OF HANDLOOM AND TEXTILES
ASSAM
GNB ROAD
AMBARI
GHY-01

Advocate for the Petitioner : MR S S DEY
Advocate for the Respondent : GA
ASSAM

BEFORE
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA

ORDER

Date : 03-02-2020

Heard Mr. D. P. Bora, learned counsel for the petitioner. Also heard Mr. R. Dhar learned State Counsel appearing for the State respondent.

The submission made by Mr. Dhar was recorded in the order dated 27.1.2020 which is reproduced hereinbelow:

"WP(C)/9453/2019

With

WP(C)/9416/2019

BEFORE

THE HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA

ORDER

27.01.2020

Heard Mr. D. P. Borah, the learned counsel for the petitioner and Mr. R. Dhar, the learned State Counsel.

The State respondents had already filed an affidavit. Relying the contents made in affidavit, Mr. R. Dhar submits that the petitioner does not possess the locus standi inasmuch as he did not participate in the tender process and he being totally a stranger to the tender process. Further referring the Annexure-1 of the affidavit-in-opposition, Mr. Dhar submits that in all there were seven parties who participated in the tender process and after evaluating the technical bids and the financial bid M/S Jimchaya Industries and M/S Popular Furniture and Weaving Industries, Hojai were distributed the work order and nothing remains in this writ petition and same is to be dismissed.

Mr. Borah on the other hand sought for an adjournment in order to take instruction from the client concerned. Though the submission of Mr. Dhar has its force but keeping in view the submission of Mr. Borah matter be listed again on

31.01.2020 on which date appropriate order will be passed.

JUDGE"

Today Mr. Bora, fairly submits to pass appropriate order by this court. The submission of Mr. Dhar that the petitioner did not participate in the tender process and he being a stranger had no locus standi to challenge the terms of the NIT has force. Further the issue raised in this writ petition also is unacceptable as Mr. Dhar already submitted that there were nine bidders in total, out of which seven bidders technically qualified. Out of said technically qualified bidders M/s Popular Furniture and Weaving Industries, Hojai and M/s Jimchaya Industries, Kahilipara were issued work order on 7.1.2020.

Considering the same these writ petitions stand dismissed. Interim order if any stands vacated.

JUDGE

Comparing Assistant