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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 24th November, 2021*

+ **W.P.(C) 13190/2021**

**ALL ARUNACHAL PRADESH BORDER
STUDENTS UNION & ANR.**

..... Petitioners

Through: Mr. A.K. Mata, Senior Advocate with
Mr. Anurag Ranjan and Mr. Karan Gaur,
Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Anurag Ahluwalia, Central
Government Standing Counsel with Mr. Abhigyan
Sidhiant, Advocate for R-1.
Mr. Varun Singh Thapa, Advocate for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

CM APPL. 41602/2021(Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

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1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

“a. Issue Writ/Writs in the nature of Mandamus or any other writ directing National Highways & Infrastructure

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Development Corporation Limited (NHIDCL) to initiate fresh Notice Inviting Bidding for the Project of Construction of High-Altitude Hill Road from Ladda (Graziang) to Basai from KM 0,000 to KM 35,260 in East Kameng District of the State of Arunachal Pradesh on EPC Mode,

b. Issue Writ/Writs in the nature of Mandamus or any other writ directing National Highways & Infrastructure Development Corporation Limited (NHIDCL) to file a detailed Status Report disclosing the reasons for Annulment of Notice Inviting Bidding on three occasions, and in that behalf

c. Pass such other orders or directions as this Hon'ble Court deem fit, just and proper in the facts and circumstances of the present case."

2. We have heard learned Senior Counsel appearing on behalf of the Petitioners and learned counsels appearing on behalf of the Respondents and have looked into the facts and circumstances of the case.

3. From the narrative of facts in the writ petition, it appears that a Notice Inviting Tender (NIT) for construction of High-Altitude Hill Road from Ladda (Graziang) to Basai from KM 0,000 to KM 35,260, in East Kameng District of the State of Arunachal Pradesh, on EPC Mode, was floated on three different occasions, but as alleged in the writ petition, was cancelled each time. The first NIT was published on 16.02.2021, followed by the second NIT, which was floated on 02.08.2021. Vide annulment notice dated 25.08.2021, the NIT was annulled due to administrative reasons. Subsequent thereto, a third NIT was floated on 15.09.2021 but the same was again annulled vide notice dated 01.10.2021, due to administrative reasons.

4. Contention of the Petitioners is that the project of Road Construction is of great strategic importance for the State of Arunachal Pradesh and

cannot be cancelled on the whims and fancies of Respondent No.2 herein. It is also contended that Respondent No.2 has been completely opaque in initiating the bidding process and then cancelling the same by merely citing 'administrative reasons'. Repeated cancellation of the bidding process has resulted in stalling the project, which assumes great importance because the Border Roads in Arunachal Pradesh are of extreme significance in view of the geopolitics of the region. Learned counsel for the Petitioner submits that a representation was made to Respondent No.2 way back on 04.10.2021, but neither Respondent No.2 has responded to the same nor has any action been taken to initiate a fresh process of bidding.

5. While there cannot be a dispute that the Respondents have the power and prerogative to cancel a NIT on account of administrative exigencies, but at the same time it cannot be lost sight that repeated issuance of NITs and their annulments only results in stalling a project which, can be of extreme urgency or importance in a given situation, as in the present case. The project, undoubtedly, is for construction of a high altitude hill road and there is no gainsaying that its construction is not only strategically important but as pointed out by the Petitioners in the writ petition, will go a long way in the economic development of the concerned State.

6. Petitioners have preferred a detailed representation dated 04.10.2021, which is pending consideration with Respondent No.2. We deem it appropriate to direct the Respondents herein to look into the grievances ventilated in the representation and take a decision thereon, in accordance with law. Needless to state, while deciding the representation, the concerned Respondent(s) shall take into account that frequent issuance and cancellation of Notice Inviting Tenders may not be in the interest of the concerned

Authority or the public exchequer and is certainly not, in public interest.

7. Writ petition is accordingly disposed of, with the aforesaid observations and directions.

CHIEF JUSTICE

JYOTI SINGH, J

NOVEMBER 24, 2021

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