Item nos. 112-119

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 597 of 2025

M/s KIM and Sons Constructions & Equipments represented by its proprietor Konsam Inakhunba Meitei, aged about 51 years, S/o K. Tombichou, resident of Laipham Khunou, Mayai Leikai, Laipham Siphai, P.O. Lamphel & P.S. Lamlong, Imphal East District, Manipur

... Petitioner

- Versus -

1. The State of Manipur represented by the Commissioner (Works), Government of Manipur, Office at Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Chief Engineer (PWD), Government of Manipur, Khuyathong, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
3. M/s HL. Lovingson Anal represented by its proprietor Hulang Lovingson Anal aged about 53 years, S/o Hulang Thunglun Anal, resident of NA, Japhou Bazar, Chandel, Manipur-795127.

... Respondents

with
WP(C) No. 340 of 2026

M/s KIM and Sons Constructions & Equipments represented by its proprietor Konsam Inakhunba Meitei, aged about 51 years, S/o K. Tombichou, resident of Laipham Khunou, Mayai Leikai, Laipham Siphai, P.O. Lamphel & P.S. Lamlong, Imphal East District, Manipur

... Petitioner

- Versus -

1. The State of Manipur represented by the Commissioner (Works), Government of Manipur,

Office at Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Chief Engineer (PWD), Government of Manipur, Khuyathong, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
3. The Executive Engineer, Chandel Division, PWD, Govt. of Manipur, Chandel, Manipur-795127.

... Respondents

with
WP(C) No. 607 of 2025

M/s KIM and Sons Constructions & Equipments represented by its proprietor Konsam Inakhunba Meitei, aged about 51 years, S/o K. Tombichou, resident of Laipham Khunou, Mayai Leikai, Laipham Siphai, P.O. Lamphel & P.S. Lamlong, Imphal East District, Manipur

... Petitioner

- Versus -

1. The State of Manipur represented by the Commissioner (Works), Government of Manipur, Office at Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Chief Engineer (PWD), Government of Manipur, Khuyathong, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
3. The Executive Engineer, Chandel Division, PWD, Govt. of Manipur, Chandel, Manipur-795127.
4. M/s HL. Lovingson Anal represented by its proprietor Hulang Lovingson Anal aged about 53 years, S/o Hulang Thunglun Anal, resident of NA, Japhou Bazar, Chandel, Manipur-795127.

... Respondents

with
MC(WP(C)) No. 106 of 2026
with
MC(WP(C)) No. 560 of 2025
with
MC(WP(C)) No. 56 of 2026

with
MC(WP(C)) No. 570 of 2025
with
MC(WP(C)) No. 573 of 2026

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER
Oral

29.10.2026

[1] Heard Mr. Th. Khagemba, learned counsel for the writ petitioner and Mr. S. Niranjan, learned GA for the State respondents. None appears on behalf of the respondent no. 3 in WP(C) No. 597 of 2025 and respondent no. 4 in WP(C) No. 607 of 2025.

[2] All the three writ petitions being WP(C) Nos. 597 of 2025, 340 of 2026 and 607 of 2025 arise out the common Notice Inviting Tender (NIT) dated 08.04.2025 bearing tender no. EE/CDL/e-Tender/Rigid/25-26/01 "for Construction of Rigid Pavement with Thin White Topping in Chandel District HQ roads and Construction of Pavement with interlocking paver blocks in Chandel District HQ roads" and subsequent NIT dated 07.08.2025. The last date for submission of the bid is 14:00 Hrs of 22.04.2025. 2(two) bidders i.e. Keystone Infra Pvt. Ltd (who is not a party in these writ petitions) and M/s KIM & Sons Constructions & Equipments (petitioner herein, in short M/s. Kim and Sons) were declared as Technically responsive and the petitioner (M/s Kim and Sons) was declared as L1. However, Dy. Secretary (Works), Govt. of Manipur vide letter dated 23.07.2025 informed the Chief Engineer, PWD, Manipur to cancel the NIT dated 08.04.2025 [as approved by the State Government] and to re-tender [as approved by the State Government].

[3] In WP(C) No. 597 of 2025, the petitioner (M/s Kim and Sons) challenges the impugned letter dated 23.07.2025 issued by Dy. Secretary (Works), Govt. of Manipur informing the Chief Engineer, PWD, Manipur to cancel the NIT dated 08.04.2025 and to re-tender the same, as approved by the State Government. Vide order dated 07.08.2025 while issuing notice, this Court stayed the impugned letter dated 23.07.2025. Vide notice dated 06.08.2025 issued by Executive Engineer, Chandel Division, PWD, Manipur, the NIT dated 08.04.2025 was cancelled and fresh NIT dated 07.08.2025 was issued for the same work. The fresh NIT dated 07.08.2025 is challenged in WP(C) No. 607 of 2025 and vide order dated 11.08.2025 in WP(C) No. 607 of 2025, this Court stayed the re-tender notice dated 07.08.2025 until next date and interim order has been extended from time to time. Thereafter, in WP(C) No. 340 of 2026, the petitioner (M/s Kim and Sons) challenges the cancellation notice dated 06.08.2025 issued by Executive Engineer, Chandel Division, PWD, Manipur. Since all these matters are related to the two NITs with the execution of the same work, these matters are heard and disposal by this common order.

[4] It may be noted that during the pendency of the writ petition, second NIT dated 07.08.2025 (re-tender) is cancelled by issuing another order dated 22.03.2026.

[5] Mr. Th. Khagemba, learned counsel for the petitioner submits that the cause of the writ petition in WP(C) No. 607 of 2025 challenging the second NIT dated 07.08.2025 does not survive any longer upon the issuance of notice dated 22.03.2026 cancelling the re-tender NIT dated 07.08.2025; and it is submitted that the WP(C) No. 607 of 2025 may be closed as infructuous. It is also submitted that the prayer in WP(C) No. 597 of 2025 has been indirectly allowed by subsequent notice dated

22.03.2026 where re-tender NIT dated 07.08.2025 was cancelled. The learned counsel for the petitioner fairly submits that only WP(C) No. 340 of 2026 praying for cancellation of the NIT notice dated 06.08.2025 is required to be examined by this Court. Learned counsel for the petitioner draws the attention of this Court to the fact that the termination of the first NIT dated 08.04.2025 was at the instance of respondent no. 3 in WP(C) No. 597 of 2025, i.e., M/s HL. Lovingson Anal. On the basis of complaint dated 30.04.2025 submitted by respondent no. 3 in WP(C) No. 597 of 2025 to the Principal Secretary (Works), Govt. of Manipur for re-tendering due to violation of terms, as he was not able to submit relevant document to the office of the Chandel District HQ due to closure of office before the last date. It is also further submitted that respondent no. 3 has further submitted another representation dated 22.03.2026 for cancellation of the re-tender NIT dated 07.08.2025 and withdrawal from being respondent no. 3 in WP(C) No. 597 of 2025. Learned counsel for the petitioner submits that the first NIT dated 08.04.2025 was cancelled on the behest of respondent no. 3 due to complaint dated 30.04.2025 and re-tender NIT dated 07.08.2025 was also cancelled on the basis of representation dated 22.03.2026 submitted by respondent no. 3. It is submitted that the first cancellation at the behest of the third party is not maintainable and petitioner was not given any opportunity of being heard and no valid reason was given for cancellation.

[6] Learned counsel for the petitioner refers to a decision of Hon'ble Supreme Court in the case of "**Subodh Kumar Singh Rathour vs. The Chief Executive Officer & Ors.**" reported in **2024 INSC 486**, at para 130 of the judgment held that, cancellation of the tender at the behest of concerned Minister-in-Charge was deprecated and notice of cancellation was illegal. Learned counsel for the petitioner submits that the present case is also squarely covered by the decision of the Hon'ble

Supreme Court, as the cancellation of first NIT dated 08.04.2025 is at the behest of respondent no. 3 on the ground that he could not submit his bid. Learned counsel for the petitioner again reiterated that the cause of the writ petitions being WP(C) No. 597 of 2025 and WP(C) No. 607 of 2025 do not survive any longer as the cancellation of the NIT dated 08.04.2025 has been withdrawn by order dated 22.03.2026 issued by the authority cancelling the re-tender NIT dated 07.08.2025 thereby, restoring the first NIT dated 08.04.2025. It is further submitted that in doing so, the State Govt. had inadvertently left out withdrawal or cancellation of the notice dated 06.08.2025 cancelling the first NIT dated 08.04.2025 declaring the petitioner as L1. However, with the issuance of the order dated 22.03.2026, the petitioner should be awarded with the work order. In the circumstances, it is prayed that cancellation notice dated 06.08.2025 cancelling the NIT dated 08.04.2025 be set aside for the sake of technicality, otherwise with the restoration of the first NIT dated 08.04.2025, there is no impediment on the State respondents in awarding the contract to the petitioner.

[7] On the other hand, Mr. S. Niranjan, learned GA for the State respondents has strongly refuted the allegation of the learned counsel for the petitioner that the cancellation of the first NIT dated 08.04.2025 was the behest of respondent no. 3 in WP(C) No. 597 of 2025. Learned GA refers to the contents of counter affidavit in WP(C) No. 597 of 2025 especially, the letter dated 04.06.2025 issued by Chief Engineer, PWD, Manipur to the Principal Secretary (Works), Govt. of Manipur giving reason for cancellation; and it is clarified that the cancellation was due to some discrepancies in the manner, the tender bid was accepted and process; and it is further reiterated that the cancellation was not at the behest of respondent no. 3 as alleged by the learned counsel for the petitioner. However, learned GA fairly submits that with the issuance of order dated

22.03.2026 cancelling the re-tender NIT dated 07.08.2025, the cause of the writ petition being WP(C) No. 607 of 2025 does not survive any longer and the first NIT dated 08.04.2025 stands survive. It is submitted that all the writ petitions may be disposed of by giving liberty to the State respondents to process with the award of contract to the eligible bidders in pursuance to the first NIT dated 08.04.2025. To the specific query of this Court about the status of the notice dated 06.08.2025 issued by the Executive Engineer, PWD, Manipur cancelling the first NIT dated 08.04.2025, learned GA fairly admits that notice dated 06.08.2025 has become redundant with issuance of subsequent order dated 22.03.2026.

[8] Mr. S. Niranjan, learned GA submits that this Court may pass appropriate order in view of the cancellation of the re-tender notice dated 07.08.2025 by order dated 22.03.2026 thereby, restoring the first NIT dated 08.04.2025. Learned GA has pointed out that continuation of present writ petitions will cause hamper in the completion of the proposed work in terms of the first NIT dated 08.04.2025.

[9] This Court has perused the materials on record, considered the submission made at the bar and decisions cited at the bar. It is an admitted fact that first NIT dated 08.04.2025 for development of the roads in Chandel district HQ; the petitioner was declared as L1; however, the first NIT dated 08.04.2025 was cancelled by order dated 06.08.2025; and second NIT dated 07.08.2025 was issued for the aforesaid work. It may be recorded that on 07.08.2025, this Court stayed the direction to the PWD, Manipur for the cancellation of the first NIT dated 08.04.2025 and to float re-tendering. However, on the same day, i.e., 07.08.2025, second NIT dated 07.08.2025 was issued. Respondent no. 3 submitted two representations, i.e., first representation dated 30.04.2025 for re-tendering as he could not submit his tender bid due to closure of Office of

the Executive Engineer, PWD, Chandel at relevant time and second representation dated 22.03.2026 for withdrawing himself from contesting as respondent no. 3 in WP(C) No. 597 of 2025 and for cancellation of the second NIT dated 07.08.2025. State Govt. has further cancelled the new NIT dated 07.08.2025 by an order dated 22.03.2026.

[10] Upon cancellation of the second NIT dated 07.08.2025 by order dated 22.03.2025, the first NIT dated 08.04.2025 stands restored. However, no subsequent order of withdrawing or recalling the notice dated 06.08.2025 [thereby, cancelling the first NIT dated 08.04.2025] was not issued. The issue arises before this Court as to whether the notice dated 06.08.2025 stands withdrawn upon issuance of order dated 22.03.2026 cancelling the second NIT dated 07.08.2025. At this stage, this Court is not going into the controversy behind the cancellation of first NIT dated 08.04.2025 and cancellation of the second NIT dated 07.08.2025. This Court is examining the effect of the issuance of order dated 22.03.2026 cancelling the second NIT dated 07.08.2025, without expressing any opinion as to whether the cancellation and re-cancellation were done at the behest of respondent no. 3. This Court is of the opinion that upon issuance of the order dated 22.03.2026, cancelling the second NIT dated 07.08.2025 and restoring the first NIT dated 08.04.2025, the status of notice dated 06.08.2025 cancelling the first NIT dated 08.04.2025 lost all its significance; and it became infructuous, redundant and a dead letter. This Court observes that the notice dated 06.08.2025 cancelling the first NIT dated 08.04.2025 has become a dead order and it is no longer effective as on date. This Court further clarifies that State respondents may proceed with the first NIT dated 08.04.2025 for awarding work order to the eligible bidders as per law. In order to avoid confusion and to overcome technicality, order dated 06.08.2025 cancelling first NIT dated

08.04.2025 is set aside, taking into account subsequent order dated 22.03.2026 cancelling second NIT dated 07.08.2025.

[11] With these observations, WP(C) Nos. 597 of 2025, 340 of 2026 and 607 of 2025 are disposed of.

[12] MC(WP(C)) Nos. 106 of 2026, 560 of 2025, 56 of 2026, 570 of 2025 and 573 of 2026 are also disposed of, accordingly.

[13] Interim order, if any, is merged with the final order.

Oinam Thoiba Meitei

Digitally signed by Oinam Thoiba Meitei
Date: 2026.10.30 13:24:51 +05'30'

JUDGE

Thoiba