Item No. 5 - 6

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P.(C) No. 813 of 2026

Maibam Choijot Singh

... Petitioner/s

- versus -

State of Manipur & Anr.

... Respondent/s

With
MC[W.P.(C)] No. 826 of 2026

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

O R D E R

29.10.2026

[1] Heard Mr. L. Shyam, learned counsel appearing for the petitioner.

[2] The petitioner has submitted his bid in response to NIT notice inviting tender dated 01.10.2026 issued by Executive Engineer, Imphal West Division, PWD, Manipur for improvement of road from Lamshang to Koutruk via Phumlou. The original date of last submission was 16.10.2026 at 12:00 noon and opening of technical bid on 16.10.2026 at 15:00 hours. However, by a corrigendum dated 13.10.2026, last date for submission of bid was extended up to 23.10.2026 at 12:00 hours and opening of technical bid was up to 23.10.2026 at 15:00 hours. The petitioner submitted his bid on 23.10.2026 at 11:39 hours.

[3] Mr. L. Shyam, learned counsel appearing for the petitioner submitted that as per the corrigendum, site visit certificate signed by the representative of employers and bidders is a necessary document in the technical bid. Since the letter dated 16.10.2026 issued by the Executive Engineer, Imphal West Division, PWD to the petitioner informing about the site visit fixed on 20.10.2026 at 10:00 hours was posted on 17.10.2026 from Phaknung Branch Post Office and the same was received by the petitioner on 22.10.2026.

[4] In the circumstance, bid of the petitioner was without mandatory site visit certificate and the technical bid of the petitioner is likely to be rejected on this ground. It is stated the letter was delivered on 22.10.2026 at 02:49 hours to the petitioner. In the circumstance, the petitioner could not attend the site visit scheduled on 20.10.2026. The petitioner submitted a representation dated 27.10.2026 to the Executive Engineer, Imphal West, PWD for considering his technical bid without site visit certificate and allowing him to participate the financial bid.

[5] Mr. L. Shyam, learned counsel appearing for the petitioner submitted that the department had treated the petitioner unequally and the letter dated 16.10.2026 informing about the site visit on 20.10.2026 should have been posted from nearest Post Office like Imphal Head Post Office but the same was booked at a far away sub-Post Office in village

of Imphal East. In the circumstance, the petitioner could not receive the intimation on time.

[6] This Court is of the view that technical bid of the petitioner is yet to be rejected and the petitioner approached this Court with an apprehension of being rejected the technical bid on the ground of non-submission of site visit certificate.

[7] Mr. S. Niranjan, learned GA submits that the representation is not maintainable in terms of decision of Hon'ble Supreme Court made in ***Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) v. CSEPDI-Trishe Consortium & Ors.*** reported in ***(2017) 4 SCC 318 [para 37]*** to the effect that in an ongoing tender process, High Court ought not to interfere by issuing appropriate direction for disposal of the representation or any other matter.

[8] It may be noted that recently this Court relying on the earlier decision of Hon'ble Supreme Court in ***Tata Cellular*** and ***Micky Traders (2026 INSC 1025)*** held in the case of ***Khagemba Transmission and Construction -vs- State of Manipur & 2 Ors.*** reported in ***2026:MNHC: 227*** that interference in tender matter is limited on the ground of illegality, irrationality and procedural impropriety. In absence of any such situation, High Court should exercise judicious restraint.

[9] It was also emphasized that in the tender matter, the petitioner should also be an aggrieved person. Since the technical bid of the petitioner is yet to be rejected, this Court is of the view that the writ petition is premature at this stage. However, liberty is granted to the State respondent to deal with the representation submitted by the petitioner in terms of the appliable rules.

[10] With this observation, writ petition is disposed of. Miscellaneous application is also disposed of.

JUDGE

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KHOIROM BIPINCHANDRA SINGH

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