GAHC010185662026

2026:GAU-AS:14864

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

Case No. : WP(C)/4838/2026

SRI DHARMENDRA PATHAK
S/O SRI PRADIP PATHAK, R/O METUAKUCHI, JONIA ROAD, WARD NO.17, HOUSE NO.87, P.O. BARPETA, DISTRICT BARPETA, ASSAM, PIN-781301

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, PWD BUILDING, DISPUR, GUWAHATI-781006

2:THE CHIEF ENGINEER
PWD BUILDING
CHANDMARI
GUWAHATI-781003

3:THE CHIEF ENGINEER
HEALTH AND EDUCATION
P.W.(H AND E) DEPARTMENT

4:THE EXECUTIVE ENGINEER
PWD
PWD
BARPETA DISTRICT TERRITORIAL BUILDING DIVISION
BARPETA
ASSA

For the Petitioner(s) : Mr. N.J. Gogoi, Advocate

For the Respondent(s) : Mr. D. Nath, Sr. Govt. Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 05.10.2026

Heard Mr. N.J. Gogoi, the learned counsel for the petitioner and Mr. D. Nath, the learned Senior Government Advocate appearing on behalf of the PWD, Government of Assam.

2. The petitioner herein has approached this Court challenging the cancellation of the tender vide communication dated 23.06.2026 and has further sought for a direction for issuance of the work order to the petitioner, as the petitioner became the L1 bidder in the tender process.

3. The brief facts of the instant case as would emerge from a perusal of the writ petition as well as the affidavit filed by the respondents are that an e-Notice Inviting Tender was issued for repair/renovation of the brick boundary wall vertical extension and barbed boundary wire fencing around the campus of FAAMCH. In the said detailed e-Notice Inviting Tender, which is enclosed as Annexure-5 to the writ petition, it is categorically mentioned that the tender publishing date was 14.03.2026 and the tender download date was 14.03.2026. The bid submission date was 06.04.2026 and the technical bid opening date was 07.04.2026. Although the detailed e-Notice Inviting Tender was

prepared with the aforesaid details, admittedly, the said e-Notice Inviting Tender was uploaded on 02.04.2026. It was the requirement of the PWD to accordingly change the bid submission end date, but the same was not done and under such circumstances, the bid submission end date remained 06.04.2026.

4. The records further reveal that the petitioner along with another bidder submitted the bids within the window from 02.04.2026 to 06.04.2026 and the petitioner was adjudged the L1 bidder. Subsequently, when it came to the notice of the authorities concerned that an adequate window was not provided to eligible bidders, the e-Notice Inviting Tender was cancelled vide the impugned communication dated 23.06.2026. It is under such circumstances that the petitioner has approached this Court by filing the present writ petition.

5. The record further reveals that the learned Coordinate Bench of this Court vide order dated 07.09.2026 sought for instructions. Subsequent thereto, an affidavit was filed by the respondent No. 3 wherein reasons were assigned for cancellation of the tender. It was stated that there was no adequate window provided for the eligible bidders to participate and the window available was only for a period of five days.

6. Considering the above, it is the opinion of this Court that the reason for cancellation of the tender vide the impugned communication dated 23.06.2026 do not call for interference in exercise of the powers of judicial review.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

JUDGE

Comparing Assistant