GAHC010223352026

2026:GAU-AS:15309

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

Case No. : WP(C)/5527/2026

M/S. D. K. TRADERS
HAVING ITS OFFICE AT SANTIPARA, P.N. ROAD, DIBRUGARH 786001, ASSAM, DULY REPRESENTED BY ITS PROPRIETOR SH. DIPAK KUMAR BHARALI. AGED ABOUT 75 YEARS

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM, FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, DISPUR, GUWAHATI 781006, DISTRICT KAMRUP M, ASSAM.

2:THE COMMISSIONER AND SECRETARY
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI 781006
DISTRICT KAMRUP M
ASSAM.

3:THE DISTRICT COMMISSIONER
DIBRUGARH
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS BRANCH
DIBRUGARH 786003
ASSAM

4:THE ADDITIONAL DISTRICT COMMISSIONER
DIBRUGARH
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS BRANCH
DIBRUGARH 786003

ASSA

For the Petitioner (s) : Mr. M. Biswas, Advocate

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

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

09.10.2026

Heard Mr. M. Biswas, the learned counsel appearing on behalf of the Petitioner. Mr. D. Nath, the learned Senior Government Advocate appears on behalf of the Respondent Nos.1 to 4.

2. The present writ petition was filed by the Petitioner challenging Clause 3(VI) of the Notice Inviting Tender dated 25.09.2026. For the purpose of appreciating the dispute, this Court reproduces Clause 3(VI) herein under:-

> "*3(VI) The Bidders if already appointed/engaged by other organization/Department for transportation contract of food grains shall not be allowed to participate in the bids.*"

3. Mr. D. Nath, the learned Senior Government Advocate appearing on behalf of the Respondents submitted that in the meantime, the said Clause 3(VI) has been modified vide a

Corrigendum dated 08.10.2026 which was digitally signed on 09.10.2026. The said Corrigendum is kept on record and marked with the letter "X". The modified Clause 3(VI) reads as under:-

"A bidder having any existing transportation contract/assignment with any Government Department/Organization or any other agency shall not be disqualified solely on account of such existing engagement, provided that the bidder demonstrates the availability of adequate and dedicated vehicles and other operational resources required for timely execution of the present contract.

The vehicles and resources committed/declared for the present contract shall not be simultaneously deployed under any other contract or assignment in a manner that may adversely affect the timely lifting and transportation of foodgrains under the present contract thereby resulting in disruption of food security of beneficiaries.

The bidder shall furnish a declaration/undertaking along with the bid confirming the availability of the required vehicles and operational resources for execution of the present contract during the stipulated period clearly specifying that the same resources are not committed to other activities during the timeline for lifting and distribution of foodgrains under Public Distribution System.

Any subsequent diversion or deployment of the vehicles committed for the present contract, without prior approval of the competent authority, resulting in delay or disruption in lifting/transportation of food grains shall be treated as a breach of

the contractual conditions and shall attract appropriate action as per the terms of the contract"

4. Taking into account the above, the edifice of the challenge to the present proceedings no longer survives for which the writ petition stands closed.

JUDGE

Comparing Assistant