GAHC010256662026

2026:GAU-AS:17475

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

Case No. : WP(C)/6272/2026

PAVE INFRASTRUCTURE PRIVATE LIMITED
A COMPANY DULY INCORPORATED UNDER THE COMPANIES ACT 2013 HAVING ITS REGISTERED OFFICE AT 4TH FLOOR, JEEVAN DEEP BUILDING 4TH MILE, SALUGARA, SILIGURI, 734008, DIST. JALPAIGURI, WEST BENGAL, REPRESENTED BY ITS DIRECTOR/DULY AUTHORIZED REPRESENTATIVE, NAMELY NITISH SINHAL, S/O- ARUN AGARWAL, R/O- FLAT NO B-5, SHYAM KUNJ APARTMENT, SHYAM MANDIR BYE LANE, SEVOKE ROAD, SILIGURI, WB- 734008

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECY., MINISTRY OF HEAVY INDUSTRIES, NEW DELHI 110023

2:THE ENGINEERING PROJECTS INDIA LTD
A GOVT. OF INDIA ENTERPRISE
HAVING ITS OFFICE AT CORRE 3
SCOPE COMPLEX 7 INSTITUTIONAL AREA
LODHI ROAD
NEW DELHI 11003

3:THE ENGINEERING PROJECTS INDIA LTD
NORTH EASTERN REGIONAL OFFICE
4TH FLOOR
HINDUSTAN TOWER
JAWAHAR NAGAR
NATIONAL HIGHWAY NO 37 GUWAHATI 781022
REPRESENTED BY ITS GROUP GENERAL MANAGER

4:THE GROUP GENERAL MANAGER
ENGINEERING PROJECTS INDIA LTD.

NORTH EASTERN REGIONAL OFFICE
4TH FLOOR
HINDUSTAN TOWER
JAWAHAR NAGAR
NATIONAL HIGHWAY NO 37
GUWAHATI 781022

5:MS S T ENTERPRISE
A SMALL UNIT OF AS PER MSME
HAVING ITS REGISTERED OFFICE AT BAWNGKAWN BAZAR
AIZWAL
MIZORAM
PIN 796014

6:MS RAJESH SAHA
A PROPRIETORSHIP FIRM
HAVING OFFICE AT JOYNAGAR
LANE NO 2
AGARTALA
WEST TRIPURA
AGARTALA
PIN 799001
REPRESENTED BY ITS PROPRIETOR
SRI RAJESH SAH

Advocate for the Petitioner : MR. JITENDRA DAS, MS. F L MIZO,MR. SAILENDRA DEKA

Advocate for the Respondent : DY.S.G.I.,

For the Petitioner : Mr. S. Deka, Advocate

For the Respondent : Mr. B. Chakrabarty, learned DY, SGI
Mr. H.K. Sarma, Advocate

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

25.11.2026

1. Heard Mr. S. Deka, the learned counsel appearing on behalf of the Petitioner, Mr. B. Chakraborty, the learned DY, SGI

appearing on behalf of the Respondent no.1 and Mr. H.K. Sarma, learned counsel appears for the Respondent nos. 2, 3, and 4.

2. The present writ petition was filed assailing the decision of the Respondent authorities in holding the Petitioner's bid technically non-responsive on 09.11.2026, which was informed to the Petitioner vide an email dated 10.11.2026.

3. The Petitioner thereupon submitted a representation on 10.11.2026 itself enquiring the reasons as to why the Petitioner bid was held to be technically non-responsive. As no reasons were assigned, the Petitioner immediately approached this Court by filing the present writ petition on 16.11.2026.

4. This Court, vide order dated 17.11.2026, issued notice. The Respondent nos.2,3 and 4 and more particularly the Respondent nos.3 and 4 were directed to apprise this Court as to why the Petitioner's bid was held to be technically non-responsive.

5. Today, the learned counsel appearing on behalf of the Petitioner as well as Mr. H. K. Sharma, the learned counsel appearing on behalf of the Respondent Nos.2, 3 and 4

submitted that by a communication dated 21.11.2026, the representation submitted by the Petitioner dated 10.11.2026 was disposed of, thereby intimating the Petitioner the reasons for holding the Petitioner's bid technically non-responsive. A copy of the communication dated 21.11.2026 was placed before this Court, which is kept on record and marked with the letter "X".

6. The learned counsel appearing on behalf of the Petitioner submitted that in view of these subsequent events coming into light, the Petitioner either has to amend the present writ petition or file a fresh petition challenging the reasons assigned in the communication dated 21.11.2026.

7. The learned counsel for the Petitioner submitted that filing an amendment application seeking amended to the writ petition would be a cumbersome and time-consuming process and as such, the petitioner would be well advised to withdraw the instant writ petition without prejudice to the contentions raised in the present writ petition and file a fresh writ petition assailing the communication dated 21.11.2026 and the reasons contained therein.

8. Taking into account that, without assailing the communication dated 21.11.2026 and the reasons contained therein, the Petitioner cannot succeed in the present writ petition. It is the opinion of this Court that the Petitioner should be granted the leave to withdraw the writ petition with liberty to file a fresh one challenging the communication dated 21.11.2026. It is also the opinion of this Court that the withdrawal of the instant writ petition should not affect the contentions raised in the present writ petition and the Petitioner ought to be granted liberty to raise all issues and contentions raised in the present writ petition.

9. Accordingly, the Petitioner is granted leave to withdraw the instant writ petition, with liberty to file a fresh writ petition in terms of the observations made hereinabove.

JUDGE

Comparing Assistant