

GAHC010000502026



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

Case No. : WP(C)/97/2026

RAJU CHOUDHURY
S/O- LATE NURUL HOQUE CHOUDHURY, R/O- HAILAKANDI TOWN WARD
NO. 12, P.S. AND DIST- HAILAKANDI (ASSAM)

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SPECIAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM, WATER RESOURCES DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
CHANDMARI
GUWAHATI-03

3:THE EXECUTIVE ENGINEER
HAILAKANDI WATER RESOURCE DIVISION
HAILAKANDI
PIN- 78815

Advocate for the Petitioner : MR. A H M R CHOUDHURY,

Advocate for the Respondent : SC, WATER RESOURCE,

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

07.01.2026

Heard Shri A.H.M.R. Choudhury, learned counsel for the petitioner. Also heard Shri R.M. Das, learned Standing Counsel, Water Resource Department, Assam.

2. Considering the subject matter involved and as agreed to by the learned counsel for the parties, the instant writ petition is taken up for disposal at the motion stage itself.

3. As per the facts projected, the petitioner is a Class-I(A) Contractor and pursuant to an Invitation for Bid (IFB) pertaining to the work, namely, "Anti erosion measures to protect the D/S of Panchgram petrol pump from the erosion of river Borak on its L/B", he was interested to participate in the aforesaid bid. However, there was a requirement to accompany the bid along with a certificate to be issued by the Executive Engineer. It is the case of the petitioner that though such certificate was applied, the same was not made available to him till the last moment for which, the bid had to be submitted without such certificate.

4. Shri Choudhury, learned counsel for the petitioner has submitted that the petitioner cannot be made to suffer prejudice because of the inaction of the officer of the respondent Department.

5. Shri Das, learned Standing Counsel has, however, submitted that the projection made may not be entirely correct on facts. He has submitted that a certificate was indeed issued by the concerned Executive Engineer on 23.12.2025 and in fact, he has presented before this Court a copy of the said certificate.

6. That being the position, this Court is of the considered view that interest of justice would be served if a direction is given for consideration of the bid of the petitioner along with the certificate which appears to be on record. It is accordingly directed that the bid of the petitioner be considered along with the certificate dated 23.12.2025.

7. It is made clear that the aforesaid direction is, however, only for a fair consideration along with other eligible bidders and the work is to be allotted strictly in accordance with law.

8. A copy of the certificate dated 23.12.2025 is made a part of the records.

JUDGE

Comparing Assistant