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

Case No. : WP(C)/740/2026

G.B. LOGISTICS COMMERCE LIMITED
REPRESENTED BY MANOJ RATHI, AGED ABOUT 55 YEARS, S/O LATE SHIV
KISHAAN RATHI HAVING REGISTERED OFFICE AT STAND ROAD, 5TH
FLOOR, ROOM NO. 508A, KOLKATA-700001

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF CONSUMER AFFAIRS,
FOOD AND PUBLIC DISTRIBUTION, GOVERNMENT OF INDIA, KRISHI
BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI-110001

2:FOOD CORPORATION OF INDIA
REPRESENTED BY ITS GENERAL MANAGER
REGIONAL OFFICE
ASSAM REGION
3RD FLOOR
MT TOWER
PALTANBAZAR
GUWAHATI-08

3:THE GENERAL MANAGER (REGION)
FOOD CORPORATION OF INDIA
REGIONAL OFFICE
ASSAM REGION
3RD FLOOR
MT TOWER
PALTANBAZAR
GUWAHATI-08

4:THE DIVISIONAL MANAGER
FCI DIVISIONAL OFFICE
GUWAHATI
MITRA BUILDING

ASHRAM ROAD
ULUBARI
GUWAHATI-07

5:GOVERNMENT E MARKET PLACE
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
GOVERNMENT OF INDIA
2ND FLOOR
JEEVAN TARA BUILDING
5-SANSAD MARG
NEAR PATEL CHOWK
NEW DELHI-110001

6:JAIN TRANSPORT
REPRESENTED BY ITS PROPRIETOR SRI AMIT KALA
HAVING ITS OFFICE AT ROOM NO. 12
1ST FLOOR
TRIPURA MARKET
T.R.P. ROAD
FANCY BAZAR
DIST- KAMRUP (M)
ASSAM-78100

Advocate for the Petitioner : MR B P BORAH, MR P J DUTTA,MR H MAZUMDER

Advocate for the Respondent : DY.S.G.I., SC, F C I

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 11.02.2026

Heard Mr. B.P. Borah, learned counsel for the petitioner and Mr. B.K. Singh, learned Standing Counsel, FCI through virtual mode with Ms. S. Sarma, learned counsel for the respondent nos. 2 – 4.

2. The petitioner has approached this Court by the instant writ petition aggrieved by disqualification of his Technical Bid on the ground that the petitioner did not submit the Award Letter of the contract-work as per Appendix-VI of the Model Tender Form [MTF].

3. By a Tender Notice dated 25.09.2025, bids were invited for a contract-work, 'Handling and Transport Contract Ex-FCI Siding New Guwahati Complex to FSD New Guwahati [Intershed] via weighbridge including handling at FCI Siding New Guwahati Complex' at an estimated value of Rs. 7,49,00,000/-. In response to the NIT, the petitioner submitted his bid online and has submitted that he has uploaded all the requisite documents including the Experience Certificate as per Appendix-VI. The petitioner has contended that as per Appendix-VI he had uploaded, he had the requisite experience to qualify in the Technical Bid stage.

4. Mr. Borah has submitted that the petitioner submitted a representation before the competent authority as per Clause XVIII[c] of the Bidding Document within 2 [two] days from the date of disqualification of his Technical Bid and the respondent no. 3 was required to redress the grievance of the petitioner by passing a speaking order within 7 [seven] days therefrom and the price bid can be open thereafter only. The petitioner's grievance is that his representation is yet to be disposed of and therefore, the price bid could not have been opened. In the meantime, the bid validity period had already expired.

5. Mr. Singh, learned Standing Counsel, FCI has submitted that the representation submitted by the petitioner has already been disposed of by the respondent no. 3 within the stipulated time period by way of a speaking order and it was thereafter only, the price bids were opened. After opening of the price bids, the respondent no. 6 emerged as the successful bidder and a Letter of Acceptance [LoA] was issued to him on 15.01.2026. Thereafter, upon compliance of the requisite formalities by the respondent no. 6, the respondent no. 6 has been appointed as the Handling and Transport Contractor for the contract-work in question on 07.02.2026. He has further submitted that the competent authority has the power to extend the bid validity period and the LoA was issued within the duly extended bid validity period.

6. The matter would require further consideration.

7. Issue notice, returnable on 20.03.2026.

8. As Mr. Singh has appeared and accepted notice on behalf of the respondent nos. 2 – 4, issuance of formal notice in respect of the said respondents stand dispensed with. The learned counsel for the petitioner shall serve an extra copy of the writ petition along with annexures, to Mr. Singh by tomorrow.

9. The petitioner shall also serve two extra copies of the writ petition along with annexures to the Deputy Solicitor General of India within 2 [two] working days from today for the purpose of service of notices upon the respondent nos. 1 & 5.

10. The petitioner shall take steps for service of notice upon the respondent no. 6 by speed post within 2 [two] working days from today.

JUDGE

Comparing Assistant