

GAHC010031852024



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

Case No. : WP(C)/1032/2024

GITUL MEDHI
S/O LATE HAREKRISHNA MEDHI
RESIDENT OF VILLAGE BOHORIHAT, PO BOHORIHAT, PS AND DIST
BARPETA, ASSAM 781302

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF TRANSPORT, GOVT. OF ASSAM, DISPUR,
GUWAHATI 06

2:THE PRINCIPAL SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR 783370
ASSAM

3:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR 783370
ASSAM

4:THE FINANCE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR 783370
ASSAM

5:THE COMMISSIONER TRANSPORT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR 783370
ASSAM

6:SHRI PRASANTA DEKA
S/O UNKNOWN
RESIDENT OF NO. 1 GOLIAHATI
BARPETA
ASSAM 781301

7:SHRI DHANJIT KR. DAS
S/O UNKNOWN
RESIDENT OF ABHAYAPURI
DHARAMPUR WARD NO. 1
PO ABHAYAPURI
DIST BONGAIGAON
ASSAM 783384

8:SHRI GUNAJIT DAS
S/O SHRI CHANDRA MOHAN DAS
RESIDENT OF BELORTALI BARPETA
ASSAM 781301

9:RABIN DEKA
S/O UNKNOWN

RESIDENT OF WARD NO. 30
BASISTHA CHARIALI NEAR MANDIR
GUWAHAT

Advocate for the Petitioner : MS. N S THAKURIA

Advocate for the Respondent : SC. BTC

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 28.02.2024

Heard Ms. N.S. Thakuria, learned counsel for the petitioner; Mr. R.B. Goswami, learned counsel representing Ms. M.D. Borah, learned Standing Counsel, Transport Department for the respondent no. 1; and Mr. S. Borah, learned Standing Counsel, BTC for the respondent nos. 2 – 5.

2. The petitioner took part in an auction process of vehicles initiated by a

Quotation Notice dated 03.11.2023 [Annexure-2]. The petitioner had submitted his quotations in respect of the vehicles mentioned at serial no. 1, serial no. 3 and serial no. 4 respectively of the Quotation Notice dated 03.11.2023. The Tender Evaluation Committee in its meeting, held on 09.01.2024, prepared the Comparative Statement[Annexure-3] wherefrom it has emerged that the petitioner was the 2nd highest bidder in respect of the vehicles mentioned at serial no. 1 and serial no. 4 respectively. As per the Notification dated 18.01.2024 [Annexure-4], the highest bidders were instructed to deposit the bid amount within a period of 3 [three] days from 18.01.2024, failing which the vehicles would be offered to the 2nd highest bidder. It is the case of the petitioner that the highest bidders in respect of vehicles at serial no. 1 and serial no. 4 did not deposit the bid amounts within a period of 3 [three] days from 18.01.2024. As a result, it is the petitioner, the 2nd highest bidder, who should have been offered the said two vehicles. But the respondent authorities in the BTC in violation of their own Notification dated 18.01.2024, handed over the said two vehicles to the highest bidders in spite of their failure to deposit the bid amount within a period of 3 [three] days from 18.01.2024. Hence, the writ petition.

3. Issue notice, returnable on 01.04.2024.

4. As Mr. Goswami, learned counsel has appeared and accepted notice on behalf of the respondent no. 1; and Mr. Borah, learned Standing Counsel, BTC has appeared and accepted notice on behalf of the respondent nos. 2 - 5, no formal notices need to be issued to the said respondents. The petitioner shall, however, furnish requisite nos. of extra copies of the writ petition along with annexures, to Mr. Goswami and Mr. Borah within 2 [two] working days from

today.

5. The petitioner shall take steps for service of notice upon the respondent nos. 6 - 9 by registered post with A/D within 2 [two] working days from today.

JUDGE

Comparing Assistant