

GAHC010032482026



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

**Case No. : WP(C)/913/2026**

HIMANGSHU GOGOI AND 2 ORS  
S/O PRODIP GOGOI, R/O HATICHUNGI GAON, PO. RANGAJAN, P.S.  
TITABAR, DIST. JORHAT, ASSAM.

2: RAMESH SAIKIA  
S/O CHAKIRAM SAIKIA  
R/O WARD NO. 9  
MILAN NAGAR  
P.O. AND P.S.- TITABAR  
DISTRICT- JORHAT  
ASSAM

3: TRIDIP GOGOI  
S/O DIBAKAR GOGOI  
R/O TURUNG GRANT ANCHAL  
P.O.- DEOGHARIA  
P.S- TITABAR  
DISTRICT -JORHAT  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, DEPTT. OF HOUSING AND URBAN AFFAIRS, A BLOCK, FOURTH  
FLOOR, JANATA BHAWAN, DISPUR.

2:THE DIRECTOR  
DIRECTORATE OF MUNICIPAL ADMINISTRATION  
ASSAM  
DISPUR  
GUWAHATI-06

3:TITABAR MUNICIPAL BOARD

SANTIPUR PUBERUN PATH  
TITABAR  
JORHAT  
ASSAM  
785630. REPRESENTED BY THE CHAIRPERSON  
TITABAR MUNICIPAL BOARD.

4:THE CHAIRPERSON TITABAR MUNICIPAL BOARD  
SANTIPUR PUBERUM PATH  
TITABAR  
JORHAT  
ASSAM  
785630

**Advocate for the Petitioner** : MR S BORTHAKUR, MR. U S BORA

**Advocate for the Respondent** : GA, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 18.02.2026**

Heard Mr. S. Borthakur, learned counsel for the petitioners and Ms. U. Das, learned Additional Senior Government Advocate, Assam for the respondent nos. 1 & 2.

2. The respondent no. 3 Titabor Municipal Board has published a Notice Inviting e-Tender [NIT] dated 28.01.2026 for a contract-work, 'Construction of Pubali Nagar Piped Water Supply Scheme' [the Contract-Work', for short] under Tied Grant of 15<sup>th</sup> Finance Commission for the year : 2021-2022 to 2024-2025, during the year : 2025-2026. The total estimated amount for the Contract-Work is fixed at Rs. 1,21,11,324/- and the last date for submission of bids is 20.02.2026. The bidding process consists of technical bid and financial bid.

3. The three petitioners who are registered contractors under the respondent Titabor Municipal Board and the Public Health Engineering [PHE] Department, are desirous of participating in the bidding process initiated by the NIT dated 28.01.2026. However, the

petitioners are aggrieved by the terms and condition incorporated in the eligibility criteria in the bidding document, more particularly, Clause 5, Clause 6 and Clause 8. According to the petitioners, the said clauses are arbitrary and appear to be tailor-made and to limit the competition. By such arbitrary clauses, the petitioners are sought to be ousted from the competition. The petitioners highlighting the arbitrary nature of the clauses have already submitted Representation on 09.02.2026 before the respondent Municipal Board, which has not yet been given any consideration. Hence, the petitioner is before this Court by the instant writ petition.

4. The matter would require consideration.

5. Issue notice, returnable on 11.03.2026.

6. As Ms. Das has appeared and accepted notices on behalf of the respondent nos. 1 & 2, issuance of formal notice in respect of the said respondents stand dispensed with. The learned counsel for the petitioners shall serve an extra copy of the writ petition along with annexures, to Ms. Das by tomorrow.

7. The petitioners shall take steps for service of notice upon the respondent nos. 3 & 4 by speed post within 3 [three] working days from today. In addition, the petitioner is permitted, as prayed for, to take steps for service of notice upon the respondent nos. 3 & 4 by dasti service, which is to be routed through the Registry of the Court. After service of notice upon the respondent nos. 3 & 4 by way of dasti, the petitioners shall file a compliance affidavit to that effect before the returnable date.

8. Having regard to Clause 5, Clause 6 and Clause 8 in the eligibility criteria portion of the bidding document, it is observed that the bidding process initiated by the NIT dated 28.01.2026 shall be subject to the outcome of the writ petition. It is further observed that pendency of the writ petition shall not be a bar to the respondent Municipal Board to consider and dispose of the Representation submitted by the petitioner on 09.02.2026.

9. The prayer for interim relief is kept open for consideration on the returnable date.

**JUDGE**

**Comparing Assistant**