GAHC010034182026

undefined

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

Case No. : WP(C)/988/2026

MRINAL SARMA
SON OF LATE AKSHAYA KUMAR SARMA, RESIDENT OF ANCHALI ROAD, PATHSALA TOWN, BAJALI, ASSAM-781325

VERSUS

THE STATE OF ASSAM AND OTHRS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, IRRIGATION DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE CHIEF ENGINEER
IRRIGATION DEPARTMENT
CHANDMARI
GUWAHATI-3

3:THE EXECUTIVE ENGINEER

TIHUBAJALI DIVISION IRRIGATION
TIHU
DISTRICTBAJALI
ASSAM

Advocate for the Petitioner : MR. D CHOUDHURY, MS. A KHARBANI,MS T PARASHAR,MR. R K SARMA,MR J DAS,MR T CHAKRABORTY

Advocate for the Respondent : SC, IRRIGATION, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : --23.02.2026

Heard Mr. R.K. Sarma, learned counsel for the petitioner and Ms. D.S. Neog, learned Standing Counsel, Irrigation Department for all the respondents.

2. By an Invitation for Bid [IFB] dated 04.02.2026 for seven nos. of Contract-Works under the subject, 'Bank Protection Work 'of 7 [seven] Nos Irrigation Schemes [In 7 Packages as Per Package List] Under SDMF For the year 2023-24' Under Tihu Division [Irrigation], Tihu, Assam' the respondent no. 2 has invited tenders from approved and eligible contractors for execution of seven nos. of works in Tihu Division [Irrigation], Tihu. The estimated costs are mentioned.

3. By Clause 6 of Instruction to Bidders [ITB] contained in Section 1 of the Bidding Documents, a site visit has been prescribed.

4. It is the case of the petitioner that the petitioner intends to submit his bid for all the seven nos. of works mentioned in the IFB. As a site visit has been made a pre-requisite for submission of the bids, the petitioner made requests to the respondent no. 3 to facilitate the site visits and to issue Site Visit Certificates. The petitioner has stated that as the respondent no. 3 was not paying any heed to the petitioner's request, the petitioner had to submitted Representations on 09.02.2026, 12.02.2026 & 16.02.2026, requesting him to make arrangement of the site visits. The petitioner has alleged that as the respondent no. 3 is not taking any steps to facilitate site visits and the last date of submission of bid, 27.02.2026, is coming near, the petitioner having no other alternative, has to approach this Court by the instant writ petition seeking inter-alia a direction to the respondent authorities either to arrange site visits and to issue a Site Visit Certificates thereafter, before 27.02.2026 or to allow the petitioner to submit his bids without insisting for such Site Visit Certificates. Mr. Sarma has further submitted that all the seven works are near to each other and within Tihu Irrigation Division. Therefore, all the sites can be visited within a day.

5. Ms. Neog, learned Standing Counsel, Irrigation Department has submitted that she would not be able to make submission as regards the reason why the petitioner has made such complaint. Be that as it may, if the petitioner intends to visit the sites either on 24.02.2026 or on 25.02.2026, then the respondent no. 3 would ensure the necessary site visits and if the site visits are made, then for issuance of Site Visit Certificates.

6. In view of such submission of Ms. Neog, it is observed that the petitioner shall report to the Office of the respondent no. 3 at 10-30 am either on 24.02.2026 or on 25.02.2026 and submit a written application to the respondent no. 3 as regards the sites he intends to visit, and on receipt of such application, the same should be acknowledged by the respondent no. 3. If the petitioner reports in the Office of the respondent no. 3 on such dates and submits such an application, the respondent no. 3 shall make arrangement for site visits of the petitioner's desired sites within the Tihu Irrigation Division and after completion of the formalities, shall complete the process for issuance of Site Visit Certificates on or before 25.02.2026.

7. List the case on 26.02.2026.

8. A copy of this order is to be supplied to Ms. Neog, as requested, to enable Ms. Neog to take the necessary steps from her end.

JUDGE

Comparing Assistant