

GAHC010039812026



undefined

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

Case No. : WP(C)/1141/2026

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

2: RAMESH SAIKIA
S/O CHAKIRAM SAIKIA
R/O WARD NO. 09
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
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. 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 MUNICIAPL BOARD

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

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

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

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

26.02.2026

Heard Mr. U.S. Bora, learned counsel for the petitioners and Mr. G. Bakalial, learned Junior 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 05.02.2026 for a contract-work, 'Rejuvenation and Development of the water pond inside the Titabar Sub-Division Civil Hospital Campus from 15th Finance Commission Tied Grant for the year : 2024-2025 during the year 2025-2026 under Titabar Municipal Board'. The Total estimated cost of the Contract-Work is fixed at Rs. 75.77 lakhs and the last date for submission of bids is 27.02.2026 up to 02-00 p.m.

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 05.02.2026. However, the petitioners are aggrieved by few terms and conditions incorporated in the eligibility criteria in the Bidding Document, more particularly, Clause 1, Clause 3 and Clause 11. According to the petitioners, the said clauses are arbitrary. Ex-facie, they appear to be tailor-made and to limit the competition. By such arbitrary and tailor-made clauses, the petitioners are sought to be ousted from the competition. The petitioners highlighting the arbitrary nature of the clauses have already submitted a 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. Clause 1, Clause 3 and Clause 11 read as under :-

Sl. no.	Eligibility Criteria	Documents
1	Valid up to date Registration [Renewal] Certificate of Water Resource Department and Titabar Municipal Board [as per Board Resolution taken on 19.12.2025]. [Mandatory]	Valid Registration Certificate
3	Preference will be given to contractors who possess similar working experience of civil works related to Water Resource Management structure last 3 years.	Similar work certificate
11	The bidder must have minimum average annual turnover of Rs. 5.0 crore for last three years. [FY 2022-23, 2023-24, 2024-25].	CA Certificate/Audited Balance Sheet of last 3 Financial Years clearly stating turnover.

5. The matter would require consideration.

6. Issue notice, returnable on 27.03.2026.

7. As Mr. Bakalial 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 Mr. Bakalial by tomorrow.

8. 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 petitioners are 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.

9. Having regard to Clause 1, Clause 3 and Clause 11 in the eligibility criteria portion of the Bidding Document, it is observed that the bidding process initiated by the NIT dated 05.02.2026 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 petitioners on 09.02.2026.

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

11. List the case on 27.03.2026.

JUDGE

Comparing Assistant