

GAHC010044142026



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

Case No. : WP(C)/1306/2026

DIPAK DAS
S/O BHUBANESWAR DAS, SORBHOG TOWN, MAIN ROAD, P.O AND P.S-
SORBHOG, DIST-BARPETA, ASSAM, PIN- 781313

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECRETARY TO
THE GOVERNMENT OF ASSAM, PUBLIC WORKS (ROADS) DEPARTMENT,
DISPUR, GUWAHATI-06

2:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS) CHANDMARI GUWAHATI
ASSAM- 781003

3:THE EXECUTIVE ENGINEER
PWRD
CACHAR DISRICT TERRITORIAL ROAD DIVISION
SILCHAR
ASSAM- 78800

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : SC, PWD ROAD,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 06.03.2026

Heard Mr. S. Hoque, learned counsel for the petitioner and Mr. B. Gogoi, learned
Additional Advocate General, Assam for all the respondents.

2. The case projected by the petitioner in this writ petition is that responding to a Tender Notice dated 14.11.2025 published by the respondent no. 2, he submitted his bid for a contract-work, 'Improvement and Upgradation of road from Dwarbond Bazar at Silchar-Hailakandi Road to Belaipur via Lowaorbond F.V. [Ch. 0.00 km to ch. 10.0 km] under Asom Mala 3.0 for the year 2025-26' ['the Contract-Work', for short]. Although as per Tender Notice, the opening date of the tender notice was fixed on 26.11.2025, the bids were not opened on that day and on any subsequent date thereafter. Aggrieved by non-opening of the Technical Bids, the petitioner preferred a writ petition, W.P.[C] no. 677/2026.

3. The writ petition was moved on 11.02.2026. On that day, the learned Additional Advocate General, Assam sought time to obtain instructions. The writ petition was thereafter, listed on 27.02.2026. On 27.02.2026, it was submitted by the learned Additional Advocate General, Assam by a Cancellation Notice dated 30.12.2025, the Contract-Work under reference was cancelled due to technical reason.

4. In view of the Cancellation Notice dated 30.12.2025, the writ petition, W.P.[C] no. 677/2026 was dismissed as infructuous granting liberty to the petitioner to avail appropriate remedy if he is aggrieved in any manner by the Cancellation Notice dated 30.12.2025.

5. The present writ petition is preferred assailing the Cancellation Notice dated 30.12.2025 and a fresh Tender Notice dated 08.01.2026 published for awarding the same Contract-Work.

6. Mr. Hoque, learned counsel for the petitioner has submitted that as per Section 26 of the Assam Public Procurement Act, 2017, any decision to cancel a process of procurement has to be after recording of reasons in writing and the decision of the procuring authority to cancel the procurement and the reasons for such decisions shall be immediately communicated to all bidders participated in the procurement process. In the case in hand, the petitioner was not communicated with the decision of the procuring authority about cancellation of the process and the reasons thereof and as such, the subsequent Tender

Notice dated 08.01.2026 is clearly illegal and arbitrary.

7. The matter would require an examination.

8. Issue notice, returnable on 30.03.2026.

9. As Mr. Gogoi has appeared and accepted notices on behalf of all the respondents, issuance of formal notice in respect of the respondents stand dispensed with. The learned counsel for the petitioner shall serve an extra copy of the writ petition along with annexures, to Mr. Gogoi within 3 [three] working days from today.

10. The subsequent Tender Notice was published on 08.01.2026 and the last date of bid submission was 02.02.2026. As per the Tender Notice, the date of opening of technical bids was fixed on 02.02.2026. In such view of the matter, this Court is not inclined to pass any interim order to stall the subsequent tender process initiated by the Tender Notice dated 08.01.2026, at this stage.

JUDGE

Comparing Assistant