

GAHC010056682026



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

Case No. : WP(C)/1657/2026

SHRI SANJIB DEORI
S/O- LATE NANDESWAR DEORI.
R/O- J LANE, WEST MILAN NAGAR. P.O.- C.R. BUILDING, DIBRUGARH,
DIST.- DIBRUGARH, ASSAM, PIN- 786003.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE SPECIAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, ENVIRONMENT , FOREST AND CLIMATE
CHANGE DEPARTMENT, JANATA BHAWAN, DISPUR, GUWAHATI-781006.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM.
ARANYA BHAWAN
PANJABARI
GUWAHATI-781037.

3:THE CHIEF CONSERVATOR OF FORESTS
NORTHERN ASSAM CIRCLE
TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784001.

4:THE DIVISIONAL FOREST OFFICER
DHEMAJI DIVISION
DHEMAJI
ASSAM
PIN- 787057.

5:SHRI BIJU KUMBANG
C/O- TARUN KUMBANG.
R/O- SILAPATHAR MISSING GAON NO.3
SILAPATHAR BLOCK (PART)
SILAPATHAR
DIST.- DHEMAJI
ASSAM
PIN- 787059.

6:SMTI. ANITA PEGU KUMBANG
THROUGH THE DIVISIONAL FOREST OFFICER
DHEMAJI DIVISION
DHEMAJI
DIST.- DHEMAJI
ASSAM
PIN- 787057.

7:ASSAM ELECTRONICS DEVELOPMENT CORPORATION LTD. (AMTRON)
REPRESENTED BY ITS MANAGING DIRECTOR
INDUSTRIAL ESTATE
BAMUNIMAIDUM
GUWAHATI- 781021

Advocate for the Petitioner : MR. P D NAIR, S. RANA,MR S R A NASER,MR. H ROHMAN,MR
G ALAM,MR. A J SARMA

Advocate for the Respondent : SC, FOREST, MR. A BHATTACHARJEE(R6),FOR
CAVEATOR,MR. J SARMAH

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

20.03.2026

Heard Mr. P.D. Nair, learned counsel for the petitioner; Mr. R.R. Gogoi, learned Standing Counsel, Forest Department for the respondent nos. 1, 2, 3 & 4; and Mr. A. Bhattacharya, learned counsel who has entered appearance on the strength of caveator for the respondent nos. 5 & 6.

2. By an Auction Notice dated 21.01.2026, the respondent no. 4 invited on-line bids for

award of a contract for a mining mineral concession area, namely, 'Upper Subansiri Manika Sand and Gravel Mining Concession Area [Rev. portion] ['the Mining Contract Area', for short]. The bidding process was in two-bid system consisting of the technical bid and financial bid. In response to the Auction Notice dated 21.01.2026, the petitioner had submitted his bid for the Mining Contract Area complying all the formalities. Three other bidders including the respondent nos. 5 & 6, also participated in the auction process. The technical bids were opened after the bid closure date. Upon evaluation, the Bid Evaluation Committee had adjudged the bid of the petitioner as non-responsive.

3. Mr. Nair, learned counsel for the petitioner referring to sub-clause [ix] of Clause B : 'Bid Letter' of Part-II : Schedule-I : Format of Technical Bid of the Bidding Document has submitted that the technical bid of the petitioner was compliant to all the conditions. Yet, the Bid Evaluation Committee has rejected the technical bid of the petitioner on the ground that 'there is no page no. on each page of the technical bid documents'.

4. Mr. Gogoi, learned Standing Counsel, Forest Department has contended that the page nos. were to be mentioned at two places on each pages, that is, at the top and also, at the foot. In the case of the petitioner, there was no page nos. at the top of the page.

5. Mr. Bhattacharya, learned counsel for the respondent nos. 5 & 6 has submitted in similar lines as Mr. Gogoi, learned Standing Counsel, Forest Department. Mr. Bhattacharya, learned counsel for the respondent nos. 5 & 6 has further submitted that after opening of the price bids, the respondent no. 6 has emerged as highest bidder.

6. The matter would require consideration.

7. Issue notice, returnable on 04.05.2026.

8. As Mr. Gogoi has appeared and accepted notices on behalf of the respondent nos. 1, 2, 3 & 4 and Mr. Bhattacharya has appeared and accepted notices on behalf of the respondent nos. 5 & 6, issuance of formal notice to the said respondents is dispensed with. The learned

counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures to Mr. Gogoi and Mr. Bhattacharya within 2 [two] working days from today.

9. The petitioner shall take steps for service of notice upon the respondent no. 7 by speed post within 2 [two] working days from today.

10. The bone of contention between the parties appears to have veered towards the following clause in the Auction Notice / Bid Document.

[ix] All the scanned documents must be self attached and combined into a single PDF bid document with page numbers and digital signatures to be applied at the top of each page. Page numbers to be mentioned in the footer of the bid document in the following format : Page No. N/T, where N is the specific page number and T is the total number of pages included in the bid document, otherwise it will lead to technical disqualification.

11. It is the case of the petitioner that the page nos. are to be mentioned only at the foot of the Bid Document with specific page number followed by the total nos. of pages included in the Bid Document. The submissions of the learned counsel for the respondents are at variance.

12. Having gone through the projections made on behalf of the petitioner in the afore-stated manner and prima facie satisfied, it is ordered, in the interim, that the respondent authorities shall not proceed further with the auction process and shall not issue settlement order, till the returnable date.

13. The respondent no. 7 shall ensure that the records of the tender process under reference is preserved until further orders.

14. List the case on 04.05.2026.

JUDGE

Comparing Assistant