

GAHC010065132026



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

Case No. : WP(C)/1889/2026

RAMESH SAIKIA
S/O LATE CHAKIRAM SAIKIA, R/O MILAN NAGAR, WARD NO. 9, P.O AND
P.S- TITABOR, DIST- JORHAT

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
TOWN AND PLANNING DEPARTMENT, DISPUR, GUWAHATI-06

2:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
DISPUR
GUWAHATI
ASSAM
781006

3:THE DISTRICT COMMISSIONER
DISTRICT- JORHAT

4:THE CO-DISTRICT COMMISSIONER
MARIANI CO-DISTRICT
DISTRICT- JORHAT

5:MARIANI MUNICIPAL BOARD
REPRESENTED BY ITS CHAIRPERSON MARIANI
DISTRICT- JORHAT
PIN- 785634

6:THE CHAIRPERSON
MARIANI MUNICIPAL BOARD
MARIANI
DISTRICT- JORHAT
PIN- 785634

7:THE EXECUTIVE OFFICER
MARIANI MUNICIPAL BOARD
MARIANI
DISTRICT- JORHAT
PIN- 785634

8:SRI UTPAL GOGOI
S/O BHABESH GOGOI
R/O CHENGALI PATHAR
P.O- JIADHAL CHARIALI
P.S- DHEMAJI
DIST- DHEMAJI
PIN- 787057

9:SRI LAKHYAJIT GOGOI
S/O NAREN GOGOI
R/O BAKAL GOAN
P.O- KHUBALIA
P.S- DHEMAJI
DIST- DHEMAJI
PIN- 78705

Advocate for the Petitioner : MR. A DEKA, MR. S BORTHAKUR,MS. S KAKATI,R DEB

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 01.04.2026

Heard Mr. S. Borthakur, learned counsel for the petitioner; and Mr. K. Gogoi, learned Additional Senior Government Advocate, Assam for the State respondents.

2. A Notice Inviting Tender [NIT] was published on 27.02.2026 by the respondent Mariani Municipal Board [the respondent no. 5] under the hand of the respondent no. 7. By the NIT, technical and financial bids were invited for execution of a contract-work, 'Renovation / Upgradation of Zone-1, Nizarapara under Mariani Municipal Board'. The date and time of on-line bid submission of the tender documents in the designated portal was 13.03.2026 upto 12-00 p.m. The last date and time for opening of the bids was fixed at 13.03.2026 upto 12-30

p.m.

3. In response to the NIT, the petitioner and two other bidders, that is, the respondent no. 8 and the respondent no. 9 submitted their bids. After opening of the technical bids, on 13.03.2026, the Bid Evaluation Committee evaluated the bids of the three participant bidders. Upon evaluation, the technical bid of the petitioner was declared non-responsive on two grounds, [i] non-submission of bank solvency certificate; and [ii] lack of minimum average annual turnover of ₹ 5 Crore in the last three financial years.

4. In Clause 3 of the Instruction to Bidders [ITB] Part of the tender document, the eligibility criteria for the bidders were laid down. As per the tender document, the bidders inter-alia were to submit documents in support of the following two eligibility criteria : [i] The Bidder's Average Annual Turnover shall be at least ₹ 5 Crore in the last three Financial Years [ending 31st March 2025]; and [ii] Scanned copy of Financial Soundness Certificate issued by Bidder's bank [Nationalized / Scheduled Bank supported by RBI].

5. After adjudging the technical bid of the petitioner as non-responsive, the Bid Evaluation Committee / the Tendering Authority proceeded to open the financial bids of the two technically responsive bidders on 14.03.2026 and after evaluation of the financial bids, the respondent no. 8 has been declared as the L-1 bidder.

6. Aggrieved by the manner in which the entire tender process has been undertaken, the petitioner has preferred the instant writ petition to challenge the same.

7. Issue notice, returnable on 04.05.2026. Notice is also issued in the interim prayer.

8. As Mr. Gogoi has appeared and accepted notice on behalf of the respondent nos. 1 – 4, issuance of formal notice to the said 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 [two] working days from today.

9. The petitioner shall take steps for service of notice upon the respondent nos. 5 – 9 by speed post within 2 [two] working days from today. In addition, the petitioner is permitted, as prayed for, to take steps for service of notice upon the respondent nos. 5 – 7 by dasti service, which is to be routed through the Registry of the Court. After service of notice upon the respondent nos. 5 – 7 by way of dasti, the petitioner shall file a compliance affidavit to that effect before the returnable date.

JUDGE

Comparing Assistant