

GAHC010071942025



undefined

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

Case No. : WP(C)/1924/2025

LAIPULI GAON PANCHAYAT SAMABAI SAMITY LIMITED AND 15 ORS.
REGISTERED OFFICE - LAIPULI, BORDUBI ROAD, P.O.- PANITOLA, DIST-
TINSUKIA, ASSAM, PIN-786183 REPRESENTED BY ITS CHAIRMAN, SRI
SAILEN KUMAR BORAH (AGE - 56 YEARS)

2: MARGHERITA GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - MARGHERITA
JAYA NAGAR VIA MARGHERITA
P.O MAKUM PATHAR
DISTRICT TINSUKIA
ASSAM
PIN-786187
REPRESENTED BY ITS SECRETARY
SMTI. SHILPI BORUAH (AGE - 42 YEARS)

3: BORBIL GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - 1 NO. BORBIL
NEAR L.P SCHOOL
P.O DIGBOI
DISTRICT TINSUKIA
ASSAM
PIN-786171
REPRESENTED BY ITS SECRETARY
SMTI. MONALISHA KONWAR (AGE- 41 YEARS)

4: TIPUK GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - RUPAI SIDING
DOOMDOOMA
P.O RUPAI SIDING
DISTRICT TINSUKIA
ASSAM
PIN- 786153
REPRESENTED BY ITS CHAIRMAN
SRI DHARMENDRA SONOWAL (AGE - 50 YEARS)

5: LEDO GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - LEDO BAZAR
P.O LEDO
DISTRICT TINSUKIA
ASSAM
PIN- 786153
REPRESENTED BY ITS SECRETARY
SRI PREM BAHADUR CHETRY (AGE - 32 YEARS)

6: KETETONG GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - KETETONG
P.O KETETONG
DISTRICT TINSUKIA
ASSAM
PIN-786181
REPRESENTED BY ITS SECRETARY
SRI DUMAI DUNIA (AGE - 52 YEARS)

7: GUIJAN GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - GUIJAN 5 NO.
P.O RONGAGORA
DISTRICT TINSUKIA
ASSAM
PIN-786147
REPRESENTED BY ITS SECRETARY
SRI MUNNA PAUL (AGE - 38 YEARS)

8: TINGRAI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - TINGRAI BAZAR
NEAR TINGRAI HIGH SCHOOL
1 NO. AKHOMIA GAON
P.O TINGRAI BAZAR
DISTRICT TINSUKIA
ASSAM
PIN-786171
REPRESENTED BY ITS SECRETARY
SRI SWAPON NAG

9: BAZALTOLI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - BAZALTOLI
P.O BORGURI
DISTRICT TINSUKIA
ASSAM
PIN-786125
REPRESENTED BY ITS SECRETARY
SRI UTPAL NEOG

10: KAKOPATHAR GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - KAKOPATHAR
NEAR FOREST OFFICE
P.O KAKOPATHAR
DISTRICT TINSUKIA
ASSAM
PIN-786152
REPRESENTED BY ITS SECRETARY
SRI SHAMBHU CHOUDHARY (AGE - 56 YEARS)

11: GABHORUBHETI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - GABHORUBHETI
VILLAGE BISHNUPUR
P.O PHILOBARI
DISTRICT TINSUKIA
ASSAM
PIN-786160
REPRESENTED BY ITS SECRETARY
SRI BODRI CHETRY (AGE - 42 YEARS)

12: TALAP GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - BALI BAZAR
TALAP
P.O TALAP
DISTRICT TINSUKIA
ASSAM
PIN-786156
REPRESENTED BY ITS CHAIRMAN
MD. NASHIM ANSARI (AGE - 62 YEARS)

13: BAPUJI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - HOGRIJAN
P.O BORDUBI
DISTRICT TINSUKIA
ASSAM
PIN- 786601
REPRESENTED BY ITS SECRETARY
SRI JYOTI BORDOLOI (AGE - 65 YEARS)

14: DANGORI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - DANGORI
P.O DANGORI
DISTRICT TINSUKIA
ASSAM
PIN- 786156
REPRESENTED BY ITS SECRETARY
SRI PRONOB SONOWAL (AGE - 33 YEARS)

15: BURIDIHING GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - BIJULIBON
VILLAGE MOILAPUR
P.O CHIKARAJAN
DISTRICT TINSUKIA
ASSAM
PIN- 786150
REPRESENTED BY ITS CHAIRMAN
SRI PUSHPA MARAN (AGE - 48 YEARS)

16: TONGONA GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - TONGONA BAZAR
P.O TONGONA BAZAR
DISTRICT TINSUKIA
ASSAM
PIN-786152
REPRESENTED BY ITS SECRETARY
SRI SUBORNA DOHOTIA (AGE - 44 YEARS)

VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE DEPARTMENT OF FOOD AND
CONSUMERS AFFAIRS, SHASTRI BHAWAN, NEW DELHI, PIN-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER TO THE GOVT OF ASSAM
FOOD
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI
PIN-781006

3:THE SECRETARY
FOOD
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI
PIN-781006

4:THE DISTRICT COMMISSIONER
TINSUKIA
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS BRANCH
DISTRICT- TINSUKIA
ASSAM
PIN-78612

For the Petitioner(s) : Mr. T. Deuri, Advocate

For the Respondent(s) : Mr. D. Nath, Sr. Govt. Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 17.11.2025

Heard Mr. T. Deuri, the learned counsel appearing on behalf of the 16 petitioners who have their principal places of business in the district of Tinsukia.

2. The said petitioners have assailed the Qualification Criteria incorporated at Sub-Clauses (III), (IV) and (V) of Clause 2(C) of the Terms & Conditions of the Technical Bid Part-A of the Notice Inviting Tender dated 26.03.2025.

3. It was submitted by Mr. T. Deuri, the learned counsel appearing on behalf of the petitioners that the said conditions have been made in such a manner that they can be fulfilled only by a very select group of persons who are nothing, but the blue eyed people of the Respondent Authorities.

4. It is further seen that there is also a challenge to the said Notice Inviting Tender on the ground that it violates Section 24(2)(a) of the National Food Security Act, 2013 (for short, "the Act of 2013") as well as Clause 7(1) of the Targeted Public

Distribution System (Control) Order, 2015 (for short, "the Order of 2015") issued by the Ministry of Consumer Affairs, Food and Public Distribution. This challenge is on the basis that the lifting of the food grains from the Food Corporation of India can be only done by the authorized agencies as defined in Clause 2(g) of the Order of 2015.

5. The learned counsel appearing on behalf the petitioners therefore submitted that in the present case, a perusal of the Notice Inviting Tender would show that not only the authorized agencies as defined in Clause 2(g) of the Order of 2015 have been permitted to participate in the said Notice Inviting Tender, but private contractors have also been allowed to participate which clearly goes against the mandate of the Act of 2013 as well as the Order of 2015.

6. Per Contra, Mr. D. Nath, the learned Senior Government Advocate appearing on behalf of the Respondent Authorities submitted that though Clause 7(1) of the Order of 2015 categorically mandates that the lifting is to be done through an authorized agency as defined in Clause 2(g) of the Order of 2015, but by virtue of Clause 7(11) of the Order of 2015, repository powers have been granted to the State Government for the purpose of effective implementation of the Act of 2013 and in that regard, had further submitted that the issue involved

in the present writ petition is also squarely covered by the judgment and order passed by this Court dated 21.09.2017 in WP(C) No. 6647/2015. Additionally, the learned Senior Government Advocate further submitted that the petitioners have no *locus standi* in the instant proceedings taking into account that they have self admitted in their writ petition that they do not satisfy the eligibility criteria as set out in the said Notice Inviting Tender.

7. Upon hearing the learned counsels appearing on behalf of the parties, this Court also had the occasion of taking note of the order passed by the learned Coordinate Bench of this Court dated 07.08.2025 passed in I.A.(Civil) No.1557/2025 whereby there were specific directions issued upon the respondents to stop implementing the Act of 2013 through private contractor and only permit the entities coming within the ambit of Clause 2(g) of the Order of 2015 to carry out the implementation of the Act of 2013 during the pendency of the instant writ petition.

8. Upon hearing the learned counsels at length, it transpires that the issue on the basis of which the petitioners have challenged the Notice Inviting Tender primarily relates to permitting private contractors to participate in the said Notice Inviting Tender for implementation of the Act of 2013. This Court further takes note of that vide an order dated 07.04.2025, this

Court had directed that the Notice Inviting Tender dated 26.03.2025 shall not be acted upon and this interim order continues till date.

9. This Court had also taken note of the submission of Mr. D. Nath, the learned Senior Government Advocate that in view of the order passed by this Court on 07.04.2025, the Notice Inviting Tender dated 26.03.2025 had thereupon not been acted upon. This submission have been made pursuant to an enquiry being made by this Court, as to whether, the Respondent Authorities are in a position to process the Notice Inviting Tender, if there is a modification made to the order dated 07.04.2025.

10. Under such circumstances, as the issue involved is, as to whether, a private contractor can be permitted to implement the Act of 2013 in terms with Clause 7 of the Order of 2015, it is the opinion of this Court that if a Cooperative Society is granted a contract, nothing would further survive in the instant writ petition. This opinion is based upon the submission of Mr. T. Deuri, the learned counsel for the petitioners that no Cooperative Society currently meets the eligibility criteria.

11. Accordingly, this Court, therefore, fixes this matter again on 23.03.2026.

12. In the meantime, liberty is given to the respondents to

reschedule the tender dates so that the eligible bidders can be permitted to participate. The Respondent Authorities are further given liberty to process the tender.

13. It is observed that upon finalization of the bids, the respondents are given the liberty to bring it to the notice of this Court forthwith by filing an application, in the event such finalization is completed prior to the next date fixed.

14. It is observed and directed that till the next date the effect of finalization of the tender be not given unless modified by this Court prior to the next date so fixed.

JUDGE

Comparing Assistant