

GAHC010075762025



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

Case No. : WP(C)/1984/2025

SMTI RENU DANGORIA
W/O LT. PRADIP DANGORIA, R/O CHABUA MES TINIALI, CHABUA, DIST.
DIBRUGARH, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, EXCISE DEPTT., DISPUR, GUWAHATI 781006

2:THE COMMISSIONER OF EXCISE

ASSAM HOUSEFED COMPLEX
DISPUR
GUWAHATI 6

3:THE SUPERINTENDENT OF EXCISE

TINSUKIA
P.O. AND P.S. TINSUKIA
DIST. TINSUKIA
ASSAM.

4:THE DIST. COLLECTOR CUM DIST. COMMISSIONER

TINSUKIA
DIST.
P.O. AND P.S. TINSUKIA
DIS.T TINSUKIA
ASSAM.

5:THE ADDL. DIST. COMMISSIONER

TINSUKIA CUM CHAIRMAN TENDER / BID COMMITTEE
TINSUKIA
P.O. AND P.S. TINSUKIA
DIST. TINSUKIA
ASSAM.

6:MPD SERVICES

REPRESENTED BY ITS PRINCIPAL
SRI DEBAJIT ARANDHARA. S/O LT. MOHENDRA ARANDHARA
R/O DOWRI GAON
P.O. KHELUA
DIST. SIVASAGAR
ASSAM 78570

Advocate for the Petitioner : MR. R SHARMA, MS P PHUKAN

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

08.04.2025

Mr. R. Sharma, learned Senior Counsel assisted by Ms. P. Phukan, learned counsel for the petitioner. Also heard Mr. N Goswami, learned Standing Counsel, Excise Department.

The petitioner is aggrieved by the rejection of her bids by the Scrutiny Committee in connection with the grant of fresh India Made Foreign Liquor (IMFL) "OFF" shops in the Tinsukia district. The petitioner was one of the bidders to the bids invited by the respondent authorities for settlement of IMFL "OFF" shop in the district of Tinsukia. Learned Senior Counsel submits that a perusal of the impugned minutes of meeting dated 02.04.2025 reflects that the bid of the petitioner was rejected on the ground that *'the site plan submitted by*

the petitioner is not certified by an engineer. The private respondent no.6 is the short listed candidate. It is further submitted that the petitioner's bid was rejected notwithstanding that she being the highest bidder as per information available. The petitioner offered the bid of Rs.45,00,000/- (Rupees Forty Five Lakhs) as opposed to the bid of Rs.10,00,000/- (Rupees Ten Lakhs) offered by the respondent no.6. It is the further submission of the learned Senior Counsel for the petitioner that the Annexure-C as mandated in the bid documents was not submitted by the respondent no.6 and therefore, the bid papers of the respondent no.6 was incomplete and therefore, the respondent no.6 could not have been considered to be a valid responsive bidder. Learned Senior Counsel for the petitioner has referred to the Annexure-5 Page-173 of the writ petition which is a drawing of the proposed site for the shop where the petitioner had intended to open the IMFL "OFF" shop in the event of being considered as a short listed candidate. Learned Senior Counsel by referring to the drawing submits that it was duly signed by the concerned Architect who had prepared the drawing. Therefore, the ground for rejection of the petitioner that it is not signed by the engineer is not a tenable ground. It is further submitted that Rule 51 of the Assam Excise Rules does not by any prescription for submission of a site plan signed by the Engineer.

It is submitted that under such circumstances the rejection of the petitioner's bid and selection of the respondent no.6 as the short listed candidate by the financial bid evaluation committee headed by the respondent no.5 are put to challenge by the petitioner.

Learned Standing Counsel, Excise Department, however, submits that the bid documents itself contains a clause that the site plan must be certified by an engineer. In that view of the matter there was no infirmity in the Scrutiny

Committee rejecting the bid of the petitioner as the same was not certified by any Engineer in terms of the requirements of the bidding process.

Learned counsel for the parties have been heard and the pleadings available on record have been perused.

Considering the dispute raised between the parties as to whether the certification issued by the concerned Architect would be sufficient to be accepted as certification issued by the Engineer as prescribed in the bid documents, at this stage this Court considers it necessary to issue notice.

Let notice be issued , returnable by 4 (four) weeks.

Since the respondent nos. 1 to 5 are represented by Mr. N. Goswami, learned Standing Counsel, Excise Department notices are waived. However, extra copies be furnished to him within 1 (one) week from today.

Learned counsel for the petitioner shall take steps for service of notice upon the respondent no.6 by registered post with A/D as well as by usual course within 7 (seven) days from today.

Learned Senior Counsel for the petitioner has been able to make out a case for issuance of an interim order, inasmuch as, the drawing submitted by the writ petitioner are duly certified by the Architect, who had prepared the document for the drawing/ site plan. No materials has been placed by the respondent authorities by referring to any provision of the Rules to show that the certification by the concerned Architect will not suffice the requirement of certification by an Engineer as provided in the bid documents.

Under such circumstances, the letter of acceptance if issued in favour of the private respondent no.6 shall remain stayed till the next date of listing.

List the matter on 30.04.2025.

JUDGE

Comparing Assistant