

GAHC010080902026



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

Case No. : WA/136/2026

MANTU NATH BORO
S/O. KULEN NATH BORO, R/O. VILL.- OUGURI, P/O. GORESWAR, DIST.
BAKSA, ASSAM, P/O. GORESWAR, DIST. BAKSA, ASSAM, PIN-781364

VERSUS

1: THE BODOLAND TERRITORIAL COUNCIL AND 5 ORS. REPRESENTED
BY THE PRINCIPAL SECRETARY, BODOLAND TERRITORIAL COUNCIL
(BTC), BODOLAND SECRETARIAT COMPLEX, BODOFA NWGWR,
KOKRAJHAR- 783371

2:THE SECRETARY BODOLAND TERRITORIAL COUNCIL (BTC)
ENVIRONMENT AND FOREST DEPARTMENT BODOLAND SECRETARIAT
COMPLEX BODOFA NGGWR KOKRAJHAR-783371 ASSAM.

3:THE ADDITIONAL CHIEF CONSERVATOR OF FOREST CUM CHD
BODOLAND TERRITORIAL COUNCIL KOKRAJHAR-783371.

4:THE DIVISIONAL FOREST OFFICER BAKSA FOREST DIVISION
DEPARTMENT MUSHALPUR BTR BAKSA-781372.

5:THE EXECUTIVE MEMBER BODOLAND TERRITORIAL COUNCIL
BODOFA NWGWR KOKRAJHAR-783371

6:SRI MUKUT NAZARY
S/O. SRI HARKANTA NAZARY R/O. VILL. AND P/O. NIZ-DEFELI
DIST. TAMULPUR PIN-78136

For the Appellant(s) : Mr. B.D. Das, Sr. Advocate, assisted by Mr. R. Majumdar, Advocate.

For the Respondent(s) : Ms. B. Bhuyan, Sr. Advocate/Standing Counsel, BTC, assisted by Ms.
R. Das, Advocate for respondent Nos.1 to 5.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

08.05.2026

(Ashutosh Kumar, CJ)

We have heard Mr. B.D. Das, learned Senior Advocate, assisted by Mr. R. Majumdar, learned Advocate for the appellant and Ms. B. Bhuyan, learned Senior Advocate for Bodoland Territorial Council (BTC), assisted by Ms. R. Das, learned Advocate for the respondent Nos.1 to 5.

The Divisional Forest Officer, Baksa Forest Division had issued a Notice Inviting Tender (NIT) on 25.08.2025 for settling Barnadi Sand Mahal No.12 for sand mining contract period for 7(seven) years from 2025 to 2032.

The appellant had participated in an open bidding process and had been adjudged as the highest bidder. Consequently, his bid was recommended by the Bid Committee and ultimately approved by the Secretary, BTC and formally communicated by the Additional Principal Chief Conservator of Forest-cum-Council Head of the Department, BTC, Kokrajhar on 03.11.2025, with specific direction to complete the settlement as per the provisions of the Assam Minor Minerals and Concession Rules, 2013.

To the utter surprise of the appellant, instead of issuing the formal work order, one Executive Member of the BTC issued a letter dated 12.11.2025 addressed to the Additional Principal Chief Conservator of Forest-cum-Council Head of the Department, BTC, Kokrajhar directing for cancellation of the approval granted to the petitioner's bid and reprocessing the tender to allot the Mahal to one Mukut Narzary

(respondent No.6), who had not even participated in the original bidding.

The writ petition preferred by the appellant challenging the cancellation was dismissed on the ground that the Assam Minor Mineral Concession (Amendment) Rules, 2018 mandates an e-auction and that vide a subsequent resolution dated 09.12.2025 of the Executive Council of the BTC, an e-auction for all such settlements was issued.

In any case, before the issuance of tender via e-auction, the concessionaire ought not to have been selected.

The further contention of the appellant is that the NIT, in which the appellant had participated and had come out successful, was issued much earlier than the Executive Council's decision and at that time, there was no compulsion of putting every work through e-auction. The process of floating the NIT was based on the then applicable Rules. In that case, once the approval had been granted, there was no necessity of cancelling the same and putting the work to e-auction. This is the second limb of challenge of the appellant.

Mr. Das, learned Senior Advocate for the appellant has further argued that the change in the Rules had to be published before it could have been applied under which the earlier NIT was cancelled and the Mahal was subjected to e-auction tender.

Ms. B. Bhuyan, learned Senior Advocate appearing for the BTC, seeks some time to respond to this appeal.

Let requisite affidavit be filed positively by the next date.

Let notice be issued to the respondent No.6, on steps being taken by the appellant within a period of 1(one) week by both modes,

i.e. by Speed Post as well as by usual process, returnable on **17.06.2026**.

Let *dasti* notice also be served upon the respondent No.6, subject to the appellant filing requisites in the Registry, whereupon he shall be given the format of notice to be served upon the respondent No.6.

Any settlement, however, in the meanwhile, shall be subject to the outcome of this appeal.

JUDGE

CHIEF JUSTICE

Comparing Assistant