

GAHC010095222024



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

Case No. : WP(C)/2529/2024

DHUMKAR FISHERMEN CO-OPERATIVE SOCIETY LTD
VILL.- DHUMKAR,
P.O.- KALAIN,
DIST.- CACHAR, ASSAM.
REPRESENTED BY ALI ASKAR,
AGED ABOUT 40 YEARS,
S/O- ABDUL SUBAN,
SECRETARY DHUMKAR FISHERMEN CO-OPERATIVE SOCIETY LTD,
VILL- DHUMKAR,
P.O.- KALAIN,
DIST.- CACHAR, ASSAM,
PIN -788815.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
FISHERIES DEPARTMENT, DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE ADDL. SECRETARY TO THE GOVT. OF ASSAM
FISHERIES DEPARTMENT
DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DISTRICT COMMISSIONER
CACHAR
SILCHAR
PIN- 788001.

4:THE DISTRICT FISHERIES DEVELOPOMENT OFFICER

CACHAR
PIN- 788001.

5:DEEN DAYAL UPADHYAYA FCS LTD.
REPRESENTED BY THE SECRETARY OF DEEN DAYAL UPADHYAYA FCS
LTD

VILL- NIZ KATIGORAH PT-II

PO- GONGAPPUR
DIST.- CACHAR

ASSAM
PIN- 788804

Advocate for the Petitioner : MR B SINHA

Advocate for the Respondent : SC, FISHERY

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

17.05.2024

Heard Mr. B. Sinha, learned counsel for the petitioner, who submits that the petitioner is a Cooperative Society Limited and responded to the tender floated for 56/64 No. Moichartol Beel Fishery Cachar, Silchar. The petitioner however inadvertently submitted the individual PAN Card but before opening of the tender submitted the PAN Card of the Society. Despite being the highest bidder as per the comparative Statement the tender of the petitioner was rejected on the ground that PAN Card was an individual name and there was a overwriting on the rates quoted by the tenderer.

The learned counsel for the petitioner submits that the PAN Card of the Society was clearly submitted before the opening of the bid and in fact there was no

overwriting in the tender document and therefore, the impugned order dated 15.03.2024 rejecting the tender of the petitioner should be set aside.

In view of above, issue Notice of Motion returnable by 4 (four) weeks.

Mr. P. Sarma, learned counsel appears for the respondent nos.1, 2 & 4 and Ms. U. Das, learned Additional Senior Government Advocate appears for the respondent no.3. As such no formal notice is required on respondent nos.1, 2, 3 & 4.

Petitioner to serve requisite extra copies of the writ petition to the learned counsel for the respondent appearing today. Petitioner shall take steps for service of notice upon the respondent no.5 by registered post with AD within 3 (three) days.

List the matter again after four weeks.

JUDGE

Comparing Assistant