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

Case No. : WP(C)/2847/2026

M/S PUSPHAS CONSRUCTION PVT. LTD
A COMPANY DULY REGISTERED UNDER THE PROVISION OF THE
COMPANIES ACT, HAVING ITS REGISTERED OFFICE AT 1ST FLOOR, PUSP
ENCLAVE, BHASKAR NAGAR, 2ND BYE LANE, MOTHER TERESA ROAD,
GEETA NAGAR, GUWAHATI-781021, DIST.- KAMRUP(M), ASSAM AND IS
REPRESENTED BY AUTHORISED SIGNATORY/POWER OF ATTORNEY
HOLDER SAFIQR RAHMAN, SON OF LATE AZIZUR RAHMAN, AGED
ABOUT 54 YEARS, R/O- PUSPHAS REGENCY, 4A, FOURTH FLOOR, 2ND BYE
LANE, BHASKAR NAGAR, ZOO NARANGI ROAD, GUWAHATI,
KAMRUP(M), ASSAM, PIN- 781021.

VERSUS

THE UNION OF INDIA AND ORS
REPRESENTED BY THE SECRETARY , MINISTRY OF RAILWAYS, RAILWAY
BOARD, RAILWAY BHAWAN, NEW DELHI

2:THE GENERAL MANAGER/ CONSTRUCTION
OFFICE OF THE GENERAL MANAGER/CON
NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011.

3:THE CHIEF ENGINEER/CON/MANIPUR PROJECT/MLG
NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

4:THE CHIEF ADMINISTRATIVE OFFICER/ CONSTRUCTION-III
(CAO/CON-3/MLG)
NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
ASSAM
781011

Advocate for the Petitioner : MR D SENAPATI, MS. S. TODI,MR H K SARMA

Advocate for the Respondent : DY.S.G.I., MR H GUPTA(C.G.C)R1TO4

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 03-06-2026

Heard Mr. D. Senapati, learned counsel for the petitioner. Also heard Mr. H. Gupta, learned CGC appearing for the respondents.

The petitioner in the present proceeding has assailed the decision arrived at by the Tender Accepting Authority to discharge the tender. It is submitted that the decision of the Tender Accepting Authority to discharge the tender is contrary to the decision arrived at in the matter by the tender committee. It is also projected that after the decision of the Tender Accepting Authority was initially arrived, the matter was again considered by the Tender Committee and its earlier decision was reiterated for award of contract to the petitioner. However, such decision was, thereafter, again reversed by the Tender Accepting Authority on 12-05-2026.

Being aggrieved the present writ petition has been instituted.

The issue raised in the present writ petition is as to whether the reasons assigned

by the Tender Accepting Authority would be valid for discharge of the tender in question.

Mr. D. Senapati, learned counsel for the petitioner has relied upon a decision of the Hon'ble Supreme Court in the case of ***Golden Foods Products India Vs. State of U.P.*** reported in ***2026 SCC OnLine SC 24.***

Mr. H. Gupta, learned CGC submits that he would complete in his instruction and file affidavit on or before 10-06-2026.

Issue notice returnable in 04 weeks.

Since Mr. Gupta has accepted notice on behalf of all the respondents, service of notice is complete in this case.

However, extra copies of the writ petition, requisite in numbers, be furnished to the learned CGC during the course of the day.

Petitioner to file rejoinder to the affidavit, if any, filed by the respondent in the matter on/ or before 16-06-2026.

The issue arising in the present proceeding would require deeper consideration, which would be permissible only after the respondents would bring their stand on record by way of filing affidavit.

Accordingly, till the returnable date, i.e. on 17-06-2026, the Railway respondents are restrained from issuing fresh tender with regard to the works involved in the present proceeding.

Further extension of the present order would be considered after hearing the

parties on completion of exchange of pleadings.

Registry to list this matter again on 17-06-2026.

JUDGE

Comparing Assistant