

GAHC010112822026



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

**Case No. : WP(C)/2962/2026**

DAYAL DAS JOGESH DAS JV  
A JOINT VENTURE FIRM, REPRESENTED BY ITS AUTHORISED  
SIGNATORY, DAYAL DAS, AGED ABOUT 43 YEARS, SON OF LATE SANSITA  
DAS, RESIDENT OF VILLAGE - BARKHOPA, P. - BARKHOPA, P.S.  
TAMULPUR, IN THE DISTRICT OF BAKSA, BTC, ASSAM

VERSUS

STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE COMMISSIONER SPECIAL SECRETARY TO THE  
GOVERNMENT OF ASSAM, PUBLIC WORKS ROADS DEPARTMENT  
GROUND FLOOR, BLOCK B, ASSAM SECRETARIAT, DISPUR, GUWAHATI  
-781006, ASSAM.

2:THE CHIEF ENGINEER  
PUBLIC WORKS ROADS DEPARTMENT  
OFFICE OF THE CHIEF ENGINEER  
PWD ROADS  
CHANDMARI  
GUWAHATI 781003  
ASSAM.

3:THE ADDITIONAL CHIEF ENGINEER CUM DIRECTOR  
PUBLIC WORKS DEPARTMENT  
BODOLAND TERRITORIAL COUNCIL  
KOKRAJHAR  
GOVERNMENT OF ASSAM BTC BODOFA NWGWR  
KOKRAJHAR - 783370  
ASSAM.

4:MD JIYAU PASA

SON OF LATE SALIM PASA  
RESIDENT OF NALBARI TOWN  
WARD NO. 8  
P.O. P.S. - NALBARI  
DISTRICT NALBARI  
ASSAM.

5:THE PRINCIPAL SECRETARY  
BODOLAND TERRITORIAL COUNCIL BTC  
DISTRICT - KOKRAJHAR  
ASSAM

For the Petitioner(s) : Mr. D. Das, Sr. Advocate  
Mr. P.K. Sharma, Advocate

For the Respondent(s) : Ms. B. Bhuyan, Sr. Advocate  
Mr. B. Gogoi, Addl. A.G.  
Mr. S. Hoque, Advocate  
Ms. R. Saloi, Advocate

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 09.06.2026**

Issue notice making it returnable on 23.06.2026.

2. Mr. B. Gogoi, the learned Additional Advocate General as well as the Standing Counsel for the PWD appears on behalf of the respondent Nos. 1 and 2; Ms. B. Bhuyan, the learned Senior Counsel assisted by Ms. R. Saloi, the learned counsel appears on behalf of the respondent Nos. 3 and 5 and Mr. S. Hoque, the learned counsel appears on behalf of the respondent No. 4 and accepts notice.

3. Extra copies of the writ petition be served upon the respective counsels by 10.06.2026.

4. The petitioner herein had participated pursuant to a Notice Inviting Tender dated 16.02.2026 issued by the respondent No. 3 for the construction of roads and bridges under Asom Mala 3.0 for the year 2025–26 in Tamulpur District. Pursuant to the technical evaluation being carried out, it was found that both the petitioner and the respondent No. 4 were technically eligible bidders. This technical evaluation so carried out by the respondents have been put to challenge on the ground that the bid of the respondent No. 4 ought not to have been taken into consideration, taking into account that the petitioner was not eligible in view of the non-compliance with Clause 4.3(h) of the Instructions to Bidders.

5. Mr. D. Das, the learned Senior Counsel for the petitioner submitted that in terms with the said Clause, the respondent No. 4 was required to submit reports pertaining to its financial standing, including profit and loss statements and auditors' reports for the last 5 years. It is the specific case of the petitioner that the respondent No. 4 had submitted such documents only for 3 years and not for 5 years. In addition to that, the learned Senior Counsel for the petitioner submitted that the documents submitted by the respondent No. 4 appear

to be manipulated, taking into account that on one hand the certificate submitted of the Chartered Accountant shows that the total turnover of the respondent No. 4 for the financial year 2022–23 was Rs. 22 and odd crores, whereas the profit and loss account of the respondent No. 4 as on 31.03.2023 reflects a turnover of only about Rs. 8.5 crores (approximately). The learned Senior Counsel, therefore, submitted that on that account also the bid of the respondent No. 4 ought to have been rejected by the Respondent Authorities.

6. It is the opinion of this Court that these very aspects can be seen from the records of the tender evaluation process, being produced before this Court. Further, the respondent No. 4 ought to be granted an opportunity to place its stand on record.

7. Accordingly, the respondent No. 4 shall file its affidavit on or before 19.06.2026.

8. Liberty is granted to the petitioner to file a reply thereagainst on or before 22.06.2026.

9. The Respondent Authorities, more particularly the respondent No. 3 is directed to produce the records of the Tender Evaluation on the next date.

10. The interim order passed on 05.06.2026 shall stand extended till the next date.

11. List accordingly.

**JUDGE**

**Comparing Assistant**