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

**Case No. : WP(C)/3279/2025**

ANJAN JYOTI DEKA  
S/O LATE KALICHARAN DEKA, R/O NALBARI TOWN, WARD NO. 12,  
BISHNUPUR, P.S.- NALBARI, DIST- NALABRI (ASSAM), PIN-781335

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, IRRIGATION DEPARTMENT, DISPUR, GUWAHATI-06, ASSAM

2:THE CHIEF ENGINEER  
IRRIGATION  
ASSAM  
CHANDMARI  
GUWAHATI-03

3:THE SUPERINTENDING ENGINEER  
NALBARI CIRCLE (IRRIGATION)  
NALBARI  
PIN-781335  
OFFICE OF THE EXECUTIVE ENGINEER (IRRIGATION)  
NALBARI-781335

4:THE EXECUTIVE ENGINEER  
DHARMAPUR-BARKHETRI-NALBARI DIVISION (IRRIGATION)  
NALBARI  
PIN-781335

5:THE DISTRICT COMMISSIONER  
NALBARI  
PIN-78133

**Advocate for the Petitioner** : MR. A ROSHID, MR. R K D CHOUDHURY

**Advocate for the Respondent : SC, IRRIGATION, GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**Date : 11-06-2025**

Heard Mr. A Roshid, learned counsel for the petitioner, who submits that the petitioner was selected for work in respect of Sl. Nos. 3 & 4 pursuant to the Short Notice Inviting Tender (SNIT) of 2024-2025 dated 11.06.2024. The petitioner was also issued work orders on 29.07.2024. However, as the work site was not being handed over to the petitioner, the petitioner filed representations dated 21.09.2024 and 13.11.2024. In response to the representations, the respondent No. 4 issued letters dated 25.09.2024 and 29.11.2024 stating that there was a complaint and as such, requested the petitioner to wait for a few days. As the site was still not handed over to the petitioner, the petitioner filed WP(C)2865/2025, wherein notice was issued on 28.05.2025.

The Chief Engineer, Minor Irrigation, Assam thereafter wrote a letter to the Executive Engineer, Dharampur- Barkhetri- Nalbari Division (Irrigation), vide letter dated 29.05.2025, cancelling the tender in relation to the NIT dated 11.06.2024 by stating as follows:-

*“Sub: Cancellation of Tender*

*Ref.:- Your NIT No.EE/IRRI/DBN/TB-33(E)/2024-25/936(A) Dtd.11.06.2024*

*In inviting a reference to the above, I am to inform you that as per report submitted by the enquiry team, it has been observed that the procuring entity did not prepare a valid bid document and also failed to follow the proper*

*tendering procedure in the selection of bidders of the NIT No. under reference.*

*In the light of these findings, you are hereby instructed to cancel the said tender process immediately and initiate a fresh tender observing all necessary formalities and procedures."*

The petitioner was thereafter informed, vide letter dated 05.06.2025, regarding the cancellation of the NIT.

Issue notice, returnable in 2 (two) weeks.

Mr. N Upadhyay, learned counsel accepts notice on behalf of respondent Nos. 1 to 4, while Mr. SR Boruah, learned counsel accepts notice on behalf of respondent No. 5.

The respondents may file their affidavits.

List the matter on **25.06.2025**.

In the interim, the respondents are directed not to issue any fresh tender notice in relation to the work at Sl. Nos. 3 & 4 pursuant to the SNIT dated 11.06.2024, which has been cancelled.

**JUDGE**

**Comparing Assistant**