

GAHC010170382026



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

Case No. : WP(C)/4385/2026

PURBANCHAL BUILDTECH PVT LTD
HOUSE NO 2 SEWALI PATH F A AHMED NAGAR SIX MILE GUWAHATI
KAMRUP METRO ASSAM 781022 REPRESENTED BY ONE OF ITS
DIRECTORS SRI BHASKAR GOSWAMI SON OF SRI AMBIKA PAD GOSWAMI
RESIDENT OF VILL BARGAON PO BIHDIA DISTRICT KAMRUP ASSAM
781381

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SPECIAL COMMISSIONER AND SPECIAL
SECRETARY TO THE GOVT OF ASSAM ,PUBLIC WORKS BUILDING AND
NH DEPARTMENT, DISPUR ,GUWAHATI 06.

2:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT NH WORKS ASSAM CHANDMARI
GUWAHATI 03

3:THE BID EVALUATION COMMITTEE
REPRESENTED BY THE CHAIRMAN OFFICE FOT EH CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT NG WORKS ASSAM CHANDMARI
GUWAHATI 781003

4:MS M P AGARWALLA
A T ROAD BOKAKHAT TOWN DISTRICT GOLAGHAT ASSAM 785612

5:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVT OF INDIA MINISTRY
OF ROAD TRANSPORT AND HIGHWAYS TRANSPORT BHAWAN 1
PARLIAMENT STREET NEW DELHI 110001

6:THE DIRECTOR GENERAL(ROAD DEVELOPMENT AND SPECIAL

SECRETARY)
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS GOVT OF INDIA
TRANSPORT BHWAN 1 PARLIAMENT STREET NEW DELHI 110001

7:THE REGIONAL OFFICER
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS RAJGARH ROAD
CHANDMARI GUWAHATI 78100

Advocate for the Petitioner : MR. K N CHOUDHURY, MR. TANUZ KASHYAP,N
GAUTAM,MR. R M DEKA

Advocate for the Respondent : DY.S.G.I., SC, PWD

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

17.08.2026

Heard Shri K. N. Choudhury, learned Senior Counsel assisted by Shri R. M. Deka, learned counsel for the petitioner.

The grievance of the petitioner is with regard to its participation in tender process initiated vide a Notice Inviting Tender dated 21.02.2026 in which its bid has been held to be technically non responsive. The learned Senior Counsel for the petitioner has submitted that on a ground pertaining to two earlier works, the petitioner's bid has been held to be disqualified. He has however referred to two nos. of communications both dated 01.07.2026 to contend that in so far as the two works are concerned, the Department, on the contrary has been taking steps to process the maintenance bills.

Per contra, Shri B. Choudhury, learned Standing Counsel, PWD has submitted that the Bid Evaluation Committee held its meeting on 11.06.2026 whereas the communications referred and relied by the petitioner are of subsequent dates i.e. 01.07.2026.

Be that as it may, let **notice** be issued, returnable on **14.09.2026**.

Shri B. Choudhury, the learned Standing Counsel, PWD accepts notice on behalf of the respondent nos. 1, 2 & 3; Shri P. Bhattacharya, learned CGC accepts notice on behalf of respondent nos. 5, 6 & 7.

Extra copies of the writ petition be served upon the learned counsel for the respondents within 2 (two) days.

Let steps be taken for service of notice upon the respondent no. 4 by speed post with A/D within 2 (two) days.

Additionally, as requested, liberty to serve *dasti* upon the respondent no. 4 is granted which is however required to be routed through the Registry of this Court and the notice accompanying the *dasti* should clearly reflect the next date fixed which is 14.09.2026. Prior to the next date fixed, the petitioner is also required to file an affidavit in proof of such *dasti* service.

Shri K. N. Choudhury, the learned Senior Counsel prays for an interim order by submitting that the price bid of the petitioner is much lower than that of the respondent no. 4. He has also submitted that till now no work order has been issued.

Shri B. Choudhury, learned Standing Counsel, PWD has however resisted the aforesaid prayer. He has however submitted that he has not clear instructions as to whether the work order has been issued or not.

Be that as it may, on being *prima facie* satisfied that the consideration on which the technical bid of the petitioner has been held to be non responsive is not proper and also the additional fact that the price bid offered by the petitioner is far less than the price of the respondent no. 4 as contended, it is directed that till the next date fixed, *status quo* as on today be maintained.

It is however made clear that since the interim order has been passed at the motion stage and *ex-parte qua* the respondent no. 4, the respondents may come up for modification/vacation of the interim order. Further, on receipt of instructions, the interim order would be reconsidered on the returnable date.

JUDGE

Comparing Assistant