

GAHC010193552025



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

Case No. : WP(C)/5092/2025

RAJU DAS
S/O MANORANJAN DAS, R/O MOIRABARI, P.O. AND P.S.- MOIRABARI,
DIST- MORIGAON, ASSAM, PIN-782126

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT, DISPUR, ASSAM, GUWAHATI-6

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
JURIPAR
PANJABARI
GUWAHATI-37
ASSAM

3:THE DISTRICT COMMISSIONER
MORIGAON
ASSAM
PIN-782105

4:THE MORIGAON ZILLA PARISHAD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
P.O. AND P.S.- MORIGAON
DIST- MORIGAON
ASSAM
PIN-782105

5:THE CHIEF EXECUTIVE OFFICER

MORIGAON ZILLA PARISHAD
P.O. AND P.S.- MORIGAON
DIST- MORIGAON
ASSAM
PIN-782105

6:THE MARKET SETTLEMENT COMMITTEE
MORIGAON ZILA PARISHAD
REPRESENTED BY ITS CHAIRMAN
DIST- MORIGAON
ASSAM
PIN-782126

7:MD. JIADUL ISLAM
S/O HAMED ALI
R/O MOIRABARI
P.O. AND P.S.- MOIRABARI
DIST- MORIGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. P P DUTTA, MS. P P DAS,MS P SARMA

Advocate for the Respondent : SC, P AND R.D., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 03.09.2025

Heard Mr. T.J. Mahanta, learned senior counsel assisted by Mr. P.P. Dutta, learned counsel for the petitioner.

Aggrieved by the rejection of the bid due to bid amount being not within 10% of average settled value of last three years pursuant to the NIT dated 05.06.2025 issued by the District Commissioner- cum- Chief Executive Officer, Morigaon Zila Parishad for settlement of Moirabari Bi-Weekly Market in the district of Morigaon, Assam, and also put to challenge the settlement of the above market in favour of the respondent No.7 on the ground that the respondent No.7 has not submitted the *Bakijai* Certificate of both 'own' & 'Guarantor',

Debt Clearance Certificate of Guarantor:- (i) Zilla Parishad, ii) Anchalik Panchayat and iii) Gaon Panchayat, Guarantor Affidavit, *etc.*, which is a mandatory condition of the NIT, this petition is filed.

Issue notice, returnable by 4 (four) weeks.

Since Mr. S. Dutta and Mr. G. Bokalia, learned counsel have appeared and accepted notice on behalf of the respondents No. 1 to 5, no formal notice is required to be issued to the said respondents.

However, requisite extra copies be furnished to the learned counsel for the respondents during the course of the day.

Learned counsel for the petitioner shall take for service of notice upon the respondents No. 6 and 7 by registered post with A/D within 7 (seven) days from today.

Considering that *prima facie*, the respondent No.7 appears to have not complied with the mandatory submission of *Bakijai* Certificate of both 'own' & 'Guarantor', Debt Clearance Certificate of Guarantor:- (i) Zilla Parishad, ii) Anchalik Panchayat and iii) Gaon Panchayat, Guarantor Affidavit, which is the mandatory condition of NIT, the settlement of Moirabari Bi-Weekly Market in favour of the respondent No.7 shall be subject to the outcome of the writ petition.

The respondents shall produce the record on the next date of listing.

JUDGE

Comparing Assistant