

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., MRS. H THAKURIA (R-7),F K R AHMED (R-7),GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18-12-2025

Heard Mr. T.J. Mahanta, learned Sr. counsel assisted by Mr. P.P. Dutta, learned counsel for the petitioner. Also heard Ms. N. Bora, learned standing counsel, P&RD Department, Assam and Mr. F.K.R. Ahmed, learned counsel for the respondent No. 7.

In terms of the directions passed by this Court, Ms. N. Bora, learned standing counsel, P&RD Department, Assam has produced the records in original with regard to the continuing process. On perusal of the records it is found that the respondent No. 7 had submitted his bid without their being a surety. The learned counsel for the respondent No. 7 has submitted that

the value of the land as offered as mortgaged by the respondent No. 7 being much higher than his bid amount, there was no requirement for providing a surety in the matter. He has further submitted that on the contract being awarded to him, he has submitted entire kist money in one installment. The learned counsel for the respondent has, therefore, submitted that the plea of the petitioner that the respondent not having submitted the requisite tax clearance certificate and defaulter certificate from the concerned Panchayat, his bid was defective, would not mandate an acceptance by this Court.

Mr. T.J. Mahanta, learned Sr. counsel for the petitioner has submitted that the petitioner having quoted an amount of Rs. 30,55,384/- his bid was rejected by the Committee only on the ground that the bid value was above 10% of the average bid value received during the last 03 (three) years against the market in question. He submits that the petitioner's bid was only .00086% above the 10%. He submits that in such circumstances, the bid value is to be so calculated till 02 decimals points and not beyond. In the event the bid is calculated to 02 decimal points, the petitioner's bid would still fall within the 10% range as mandated in the matter. Mr. Mahanta has further submitted that the tender had envisaged two stage bidding process in the matter. He submits that the first stage of bidding would relate to examination of the eligibility of the petitioner for being awarded the tender in question. He submits that the tendering authority had not examined bids of the bidders for assessing their eligibility to participate in the bidding process.

Poised thus, Mr. F.K.R. Ahmed, learned counsel for the respondent No. 7 and Ms. N. Bora, learned standing counsel, P&RD Department submits that they be granted time till tomorrow, i.e. on 19-12-2025 for making their further submission in the matter.

Prayer accepted.

Registry to list this matter again on 19-12-2025 as first item.

Records produced are, hereby, returned to Ms. Bora to be produced before this Court again tomorrow, i.e. on 19-12-2025.

JUDGE

Comparing Assistant