

GAHC010197962022



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

Case No. : WP(C)/6425/2022

MD. HAFIZUDDIN AHMED
SON OF LATE DHAN AHMED,
R/O- KATONIPAR MORAN,
SIVSAGAR, P.S.- SIVSAGAR,
DIST.- SIVSAGAR, PIN- 785640,
ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF PETROLEUM AND
NATURAL GAS, NEW DELHI- 110001.

2:EASTERN REGION OFFICE REGIONAL CONTRACT CELL
INDIAN OIL BHAWAN
2 GARIAHAT ROAD (SOUTH)
DHAKURIA
KOLKATA- 700068
REPRESENTED BY THE CHIEF GENERAL MANAGER.

3:INDIAN OIL CORPORATION LIMITED
MARKETING DIVISION
BAMUNIMAIDAM
GUWAHATI
ASSAM.

4:HARDISH SINGH
HIJUGURI

P.O.- HIJUGURI

DISTRICT- TINSUKIA

ASSAM

Advocate for the Petitioner : MR P SHARMAH

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 28/09/2022

Heard Mr. P. Sharmah, learned counsel for the writ petitioner.

Assailing the selection of the respondent no. 4 for award of the contract, the instant writ petition has been filed, *inter-alia* contending that the respondent no. 4 does not meet the eligibility norms prescribed by the NIT and, therefore, he could not have been selected as the successful bidder.

Taking note of the plea raised in the writ petition, this Court has passed order dated 26/09/2022 requesting Mr. M.K.Choudhury, learned senior Standing Counsel, IOCL assisted by Mr. P. Bharadwaj, learned counsel to obtain instruction and appraise this Court.

Today, when the matter is called up, Mr. Choudhury, learned Standing Counsel, IOCL has produced certain documents to submit that the petitioner and the respondent no. 4 were both eligible to participate in the tender process and the bid submitted by both the bidders have been properly considered by the Tender Committee. After a transparent process adopted in evaluation of the bid, it turned out that the respondent no. 4 has scored more than the writ petitioner. Hence, the respondent no. 4 was chosen as the successful bidder.

Mr. Sharmah, learned counsel for the petitioner has, however, strongly refuted the said argument by submitting that the respondent no. 4 did not offer the vehicles by following the norms prescribed by the NIT. Mr. Sharmah has, therefore, prayed for an interim order restraining the

respondents to issue work order in favour of the respondent no. 4.

After perusal of the materials on record, this Court is of the opinion that the dispute raised in this writ petition calls for further examination.

As such, issue notice of motion returnable in 24/11/2022.

Since Mr. J. Sikia, learned CGC has appeared and accepted notice on behalf of the respondent no.1 and Mr. P. Bharadwaj, learned counsel has accepted notice on behalf of the respondent nos. 2 and 3, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition be furnished to the learned departmental counsel(s) within one week from today

Petitioner to take steps for service of notice on the respondent no. 4 by registered post with A/D as well as usual process within one week from today.

Heard on the prayer of interim relief. The said prayer will be considered on the returnable date. It is, however, made clear that work order, if any, issued in favour of the respondent no. 4, shall be subject to the further order as may be passed in this case.

The respondent nos. 2 and 3 shall also ensure that the respondent no. 4 satisfies all the tender conditions before issuing the work order.

List the matter again on 24/11/2022.

JUDGE

sukhamay

Comparing Assistant