GAHC010204922025

undefined

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

Case No. : WA/50/2026

SITANANDA HAZARIKA
SON OF SRI KAMESHWAR HAZARIKA,
RESIDENT OF VILLAGE- KACHAJULI, GABHARU TUNIJAN,
DIST-LAKHIMPUR, ASSAM, PIN-784160.

VERSUS

1: THE STATE OF ASSAM AND ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, DEPARTMENT OF EXCISE,
DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER OF EXCISE ASSAM
HOUSEFED COMPLEX DISPUR GUWAHATI-6.

3:THE DISTRICT COMMISSIONER
LAKHIMPUR-787001

4:THE TENDER/BID COMMITTEE FOR GRANT OF FRESH IMFL OFF SHOPS OF DIST. LAKHIMPUR REP. BY THE DISTRICT DIST. LAKHIMPUR (EXCISE) CUM CHAIRMAN LAKHIMPUR ASSAM.

5:RISHAB KUMAR BORAH
S/O. TARUN KUMAR BORAH R/O. CHANDMARI HARMOTI
HARMOTI GAON NORTH LAKHIMPUR ASSAM PIN-786416

For the Appellant(s)	**:**	Mr. M. Sharma, Advocate.
For the Respondent(s)	**:**	Mr. R.R. Gogoi, Standing Counsel, Excise Department.
	:	Mr. K.J. Saikia, Advocate for respondent No.5.

–B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

15.06.2026

(Ashutosh Kumar, CJ)

We have heard Mr. M. Sharma, learned Advocate for the appellant and Mr. K.J. Saikia, learned Advocate for respondent No.5/writ petitioner (answering respondent).

A tender notice was issued for grant of IMFL (Indian Made Foreign Liquor) retail "Off" Shop Licence in Lakhimpur district; pursuant to which, the appellant and respondent No.5 along with others had participated.

The bid of respondent No.5 was rejected on technical ground of the tender papers not being signed in all the pages.

The respondent No.5 immediately questioned such disqualification vide WP(C) No.1671/2024, in which an *interim* order was passed directing the respondent/State not to issue any licence to the appellant herein, who had already been selected.

The issue was finally decided by the learned Single Judge in which it was found that the disqualification of the present respondent No.5 was absolutely justified because he had not signed every page of the uploaded tender documents.

However, the learned Single judge, going beyond the claim of the writ petitioner/respondent No.5 herein, found that even the appellant, as a successful bidder would not be entitled for licence as he had also violated an essential tender condition under Clause 2.1 of the Bid Document, requiring proof of filing the Income Tax Return for 3(three) out of last 4(four) years', which had to be duly certified by a Chartered Accountant.

Thus, the learned Single Judge held that the disqualification of respondent No.5 herein was justified and also directed that the appellant herein ought not to be given the licence on the same logic of not complying with the provisions contained in Clause 2.1 of the Bid Document. The matter was remitted to the authorities for a fresh consideration with a condition that from the remaining bidders, if anyone was successful and would be found to be highest offerer, he ought to be given the licence.

This Court notices that the bid was floated for the year 2024-2025. During the litigation, no licence for IMFL "Off" Shop was issued for that financial year.

Nothing had happened in the next financial year of 2025-2026 too.

In that view of the matter, the directions issued in the afore-noted writ petition by the learned Single Judge has now become stale, which cannot be given effect to because licences are normally granted for one financial/or calendar year.

Thus, without commenting upon the judgment impugned in the present appeal, we hold that the entire case has become stale and that the Excise Department would have the freedom of issuing a fresh tender for grant of IMFL retail "Off" Shop licence in case it is required.

This appeal stands disposed off accordingly.

In case the appellant and respondent No.5 apply for return of their Earnest Money Deposits (EMD), the same may be considered and if permissible may be returned.

JUDGE **CHIEF JUSTICE**

Comparing Assistant