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

Case No. : WP(C)/6333/2025

M/S VERSHA TECHNOTRADE PVT. LTD.
REPRESENTED BY ONE OF ITS DIRECTOR SRI AAKASH SURANA, SON OF
BASANT SURANA, RESIDENT OF HOUSE NO. 42, 4TH BYELANE TARUN
NAGAR, PO DISPUR, GUWAHATI-781005, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE OFFICE OF THE CHIEF ENGINEER, PUBLIC WORKS
DEPARTMENT, BUILDINGS, ASSAM, CHANDMARI, GUWAHATI-781003.

2:THE OFFICE OF THE EXECUTIVE ENGINEER BPM BRANCH
PWD (BLDG) GUWAHATI ASSAM CHANDMARI GUWAHATI-781003.

3:M/S ALLIED CONSTRUCTION
3RD FLOOR BR TOWER 21 JANPATH LANE ULUBARI GUWAHATI-781007

4:POOJA ASSOCIATES (CONTRACT DIVISION)
PICK ME BUILDING
HB ROAD
KAMARPATTY
GUWAHATI-78100

For the petitioner (s) : Mr. R. Choudhury, Advocate

For the respondent (s) : Mr. B. Choudhury, SC, PWD

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

07.11.2025

Issue notice upon the respondent Nos.1 & 2 making it returnable on 12.11.2025.

2. For the present, this Court is not inclined to issue notice upon the respondent Nos.3 & 4 taking into account that Mr. B. Choudhury, the learned Standing Counsel appearing on behalf of the PWD submitted that he can obtain the necessary instructions by Wednesday, i.e. on 12.11.2025.

3. This Court shall consider issuance of notice upon the respondent Nos.3 & 4 on the next date.

4. The case of the petitioner herein is that the petitioner along with various other bidders submitted bids in pursuance to the Notice Inviting Tender issued by the Chief Engineer PW(B&NH) Department, Chandmari for construction of the New Circuit House at Udalguri, Assam.

5. Mr. R. Choudhury, the learned counsel appearing on behalf of the petitioner submitted that in terms with the Integrity Agreement which is an integral part of the tender document, and more particularly Article 2(2)(b), the bidders/contractors could not have entered with other bidders in any undisclosed

agreement or understanding whether formal or informal. The learned counsel for the petitioner further submitted that this aspect also applies to prices, specifications, certifications, subsidiary contracts, submissions or non-submissions of bids or any other actions to restrict competitiveness or to cartelize in the bidding process. The learned counsel for the petitioner further submitted that both the respondent Nos.3 & 4 submitted along with their bids, the site verification certificate with photographs having geo-tag locations. In the bid so submitted by the respondent No.3, he has enclosed the documents which have been enclosed at Page Nos.58 & 59 to the writ petition and in the bid so submitted by the respondent No.4, the site verification certificate and the photographs so enclosed is at Page Nos.68 and 69.

6. The learned counsel for the petitioner therefore submitted that it is the same person who has represented on behalf of the respondent Nos.3 & 4 who had carried out the site verification for each other.

7. Under such circumstances, in view of the integrity pact, which promotes non-cartelization amongst the bidders, the respondent Nos.3 & 4 have violated the integrity agreement, and as such, the bids of both the respondents ought to have been rejected.

8. Mr. B. Choudhury, the learned Standing Counsel appearing on behalf of the PWD submitted that he would produce the records of the bid documents on 12.11.2025, and accordingly, this Court therefore fixes this matter on 12.11.2025 wherein the learned Standing Counsel appearing on behalf of the PWD shall produce the records.

9. Till the next date, there shall be no issuance of any Letter of Intent or any contract entered into with any of the parties in respect to the construction of the New Circuit House at Udalguri on the basis of the Notice Inviting Tender dated 29.07.2025.

10. List accordingly.

JUDGE

Comparing Assistant