

GAHC010250472025



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

**Case No. : WP(C)/6403/2025**

JHARNA TOURS AND TRAVELS

A PROPRIETORSHIP FIRM, HAVING ITS OFFICE SARUPATHAR TOWN, BY LANE-3, INDRA-MALOTI PATH, WARD NO.3, NEAR SARUPATHAR POLICE STATION, P.O SARUPARTH, P.S-SARUPATHAR, DIST. GOLAGHAT, ASSAM, PIN- 785601

REPRESENTED BY ITS PROPRIETOR SMT. JHARNA BORTHAKUR, 51 YEARS WIFE OF- SHRI NAREN BORTHAKUR, RESIDENT OF WARD NO. 3, SARUPATHAR TOWN, NEAR SARUPATHAR POLICE STATION, P.O. SARUPATHAR, P.S. SARUPATHAR, DIST. GOLAGHAT, ASSAM, PIN-785601.

VERSUS

THE UNION OF INDIA AND 4 ORS.

REPRESENTED BY SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF PETROLEUM AND NATURAL GAS, KARTAVYA BHAWAN-03, JANPATH, NEW DELHI, PIN-110001.

2:THE NUMALIGARH REFINERY LIMITED

LOCATED AT MORANGI

GOLAGHAT

ASSAM

REPRESENTED BY ITS GENERAL MANAGER

HAVING ITS REGISTERED OFFICE AT 122A NRL CENTRE

G.S. ROAD

CHRISTIAN BASTI

GUWAHATI-781005

ASSAM

3:MS SHARMA TOUR AND TRAVEL AGENCY

NUMALIGARH

P.O. NUMALIGARH

DIST. GOLAGHAT  
ASSAM  
PIN- 785615

4:M/S RAMEN KUMAR PHUKON  
NO.1 PONKA GRANT  
BISHNUPUR  
GOLAGHAT  
ASSAM  
PIN-785699

5:SUVRASHRI TOUR AND TRAVELS  
HENGARABARI  
DISPUR  
GUWAHATI  
ASSAM  
PIN-78100

**Advocate for the Petitioner** : MR. P K GOSWAMI, MRS L BORUAH,MS M BORAH,MS. G  
GOSWAMI,MR. B B BORAH

**Advocate for the Respondent** : DY.S.G.I., MR. S S ROY (C.G.C)

Linked Case : WP(C)/6412/2025

LAKHI PRASAD BORA  
A PROPRIETORSHIP FIRM  
BISHNUPUR  
P.O. KANAIGAHT  
NUMALIGARH  
DIST.- GOLAGHAT  
ASSAM  
REPRESENTED BY SHRI LAKHI PRASAH BORA  
ITS PROPRIETOR SON OF- MOHENDRA BORA  
RESIDENT OF - VILLAGE- PONKA GAON  
BISHNUPUR  
P.O.-KANAIGHAT  
NUMALUGARH  
DIST-GOLAGHAT  
ASSAM  
PIN-785699

VERSUS

THE UNION OF INDIA 4 ORS.  
REPRESENTED BY SECRETARY TO THE GOVERNMENT OF INDIA  
MINISTRY OF PETROLEUM AND NATURAL GAS  
KARTAVYA BHAWAN-03  
JANPATH  
NEW DELHI  
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2:THE NUMALIGARH REFINERY LIMITED

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. REPRESENTED BY ITS GENERAL MANAGER  
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G.S. ROAD  
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NUMALIGARH  
P.O. NUMALIGARH  
DIST.-GOLAGHAT  
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DISPUR  
GUWAHATI  
ASSAM  
PIN-781006  
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writ petitions be furnished to them by tomorrow i.e. 13.11.2025.

4. As regards the respondent Nos.3, 4 and 5, the petitioners in both the writ petitions shall take steps for service of notice by way of speed post by tomorrow i.e. 13.11.2025.

5. In addition to that, liberty is also given to the petitioners in both the writ petitions to effect service upon the respondent Nos.3, 4 and 5 by way of Dasti routed through the Registry of this Court and file affidavits of service in both the writ petitions on or before the next date fixed.

6. The issues in both the writ petitions are one and the same, except certain minor factual differences. The respondent No. 2 had issued Notice Inviting Tender for *Empanelment of Agencies for Hiring of Vehicles on Call Duty/Ad-hoc Duty Services for Numaligarh Refinery Limited at Numaligarh location*. In terms with Clause 10 of the said Notice Inviting Tender, it is specifically stipulated that offers from blacklisted agency would be rejected and in that regard, a self-declaration form of the bidders needs to be submitted as per the prescribed format in Annexure-1)attached to the document. This Court has perused the Annexure-1 of the said tender document wherein the reference *insofar as* the blacklisting is concerned is in respect to Holiday Listing/Blacklisting/Debarment Order issued by the Numaligarh Refinery Ltd.(NRL), or Ministry of Petroleum and Natural

Gas (MoPNG). Another clause which is of relevance for the purpose of the present dispute is Clause 14.26 which stipulates that Agencies who are in the Holiday List/Blacklist of any Govt./PSU or against whom there is adverse report on committing criminal offence, their offers will be rejected.

7. In the backdrop of the above factual aspect the reason for the dispute is that the respondent No.5 is being alleged that the said respondent had been blacklisted by a company in the name and style of Indradhanush Gas Grid Ltd., which is a company promoted by Indian Oil Corporation Ltd., Oil and Natural Gas Corporation, GAIL, OIL as well as Numaligarh Refinery Ltd.

8. Mr. PK Goswami, the learned Senior Counsel leading the arguments in one of the writ petitions submitted that taking into account that the Indradhanush Gas Grid Ltd., had blacklisted the respondent No.5, the said blacklisting would duly operate within the ambit of Clause 10 of the tender document.

9. *Per contra*, Mr. N Deka, the learned counsel appearing on behalf of the Numaligarh Refinery Ltd., submitted that a perusal of Clause 10 read with the Annexure-1 of the tender document as well as Clause 14.26 would show that the blacklisting is confined to Government/PSUs and as per his instruction(s) Indradhanush Gas Grid Ltd., is not a PSU and as such, the Clause 10 as well as Clause 14.26

do not operate to debar the respondent No.5 from participation.

10. It is the opinion of this Court that this very aspect would require further deliberation and appropriate instruction in the form of pleadings would be required from the respondent No.2 as well as respondent No.5.

11. Mr. N Deka, the learned counsel for the Numaligarh Refinery Ltd., submits that he would be filing his affidavit on or before 01.12.2025. The respondent No.5 is also given the liberty to file the affidavit, if so advised.

12. At this stage, this Court is not inclined to pass any interim order, however, depending on the instruction(s) to be produced by way of pleadings, this Court would consider, on the next date, if any interim order(s) are required in these proceedings.

13. List accordingly.

**JUDGE**

**Comparing Assistant**