



2026:GAU-AS:4384

THE GAUHATI HIGH COURT

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

Writ Petition (C) no. 159/2026

M/s Mirjanagar Agro Developers NGO, represented by the President, Sri Amit Roy, S/o Anil Chandra, R/o Mirjanagar, P.O. Janakalyan Bazar, Mauza - Taltola, P.S. Karimganj, District - Sribhumi, Assam.

.....Petitioner**-Versus-**

1. The State of Assam, Represented by the Commissioner and Secretary to the Govt. of Assam, Fishery Department, Dispur, Guwahati-6.
2. The Secretary to the Govt. of Assam, Fishery Department, Dispur, Guwahati-6.
3. The Additional Secretary to the Govt. of Assam, Fishery Department, Dispur, Guwahati-6.
4. The District Commissioner, Sribhumi at Sribhumi, Assam. Pin-788710.

.....Respondents

Advocates :

Petitioner : Ms S.B. Choudhury, Advocate

Respondent nos. 1 – 3 : Mr. P. Sharma, Standing Counsel, Fishery Department

Respondent no. 4 : Ms. U. Dass, Additional Senior Government Advocate

Date on which judgment is reserved : NA

Date of pronouncement of Judgment : 20.03.2026

Whether the pronouncement is of the operative part of the judgment ? : No

Whether the full judgment has been pronounced ? : Yes

BEFORE

HON'BLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT & ORDER

Heard Ms. S.B. Choudhury, learned counsel for the petitioner; Mr. P. Sharma, learned Standing Counsel, Fishery Department for the respondent nos. 1, 2 & 3; and Ms. U. Das, learned Additional Senior Government Advocate, Assam for the respondent no. 4.

2. The subject-matter of this writ petition, preferred under Article 226 of the Constitution of India, is a settlement process of a fishery named 'Kakra Nadi Fishery' ['the Fishery', for short], located in District – Sribhumi, Assam. For settlement of the Fishery, the respondent no. 4 as the Tender Inviting Authority [TIA] published a Tender Notice dated 14.07.2025 to

invite bids from interested bidders. As per the Tender Notice, the yearly revenue for the Fishery was fixed @ Rs. 1,75,079/-. The Fishery is a 60% category Fishery and the settlement period offered by the Tender Notice was for seven years.

3. In response to the Tender Notice, the petitioner which is a Non-Governmental Organization [NGO], submitted its bid along with all the required documents. The petitioner offered a bid value of Rs. 3,40,500/- per annum. After the bid submission closure date, the bids of all the participant bidders were compared by the respondent no. 4 as the TIA to prepare a Comparative Statement. The tender papers of the participant bidders and the Comparative Statement were forwarded by the respondent no. 4 to the Fishery Department in the State Government on 03.09.2025 for further necessary action. The respondent no. 4 also forwarded two nos. of complaints, received at his office, alleging irregularities in the tender process. The Minutes of a Meeting of the Fishery Settlement Advisory Board, held on 07.08.2023, were also forwarded by the respondent no. 4 to the Fishery Department as the Fishery Department is the Tender Settling Authority in respect of a 60% category fishery under the Assam Fishery Rules, 1953, as amended.
4. Having received the proposal from the respondent no. 4 on 03.09.2025, the State Government in the Fishery Department passed an Order on 10.12.2025 cancelling the tender process initiated by the Tender Notice dated 14.07.2025 with a further direction to the respondent no. 4 to initiate a fresh tender process for Kakra Nadi Fishery by publication of a fresh Tender Notice.
5. Ms. Choudhury, learned counsel for the petitioner has contended that in the tender process initiated by the Tender Notice dated 14.07.2025, the bid of the petitioner was found compliant and after evaluation, the petitioner emerged as the highest bidder. In such view of the matter, the

cancellation of the tender process by the impugned Order dated 10.12.2025 is illegal and arbitrary.

6. Mr. Sharma, learned Standing Counsel, Fishery Department has submitted that the impugned Order dated 10.12.2025 was passed to cancel the tender process initiated vide Tender Notice dated 14.07.2025 as the Tender Notice did not incorporate the clauses regarding the State Government's Notification dated 18.01.2018. The direction to incorporate such clauses in the Tender Notice has been made pursuant to an Order dated 21.05.2025 passed by the Hon'ble Supreme Court of India in Special Leave to Appeal [Civil] no. 18318/2024 [Teteliguri Navajyoti Matasyajibi Samabay Samity Limited Cooperative Society vs. The State of Assam and others].
7. The Notification dated 18.01.2018 issued by the State Government in the Fishery Department and the Order dated 21.05.2025 [supra] are placed on record. The Notification dated 18.01.2018 was issued in order to streamline the procedure for submission of information/documents in a tender process initiated for settlement of one 60% category fisheries so as to bring uniformity and to maintain transparency in all tender processes through Tender Notices published by the Deputy Commissioners/Sub-Divisional Officers [C] as Tender Inviting Authority in respect of 60% category fisheries. By the Order dated 21.05.2025, the Hon'ble Supreme Court has directed the tendering authority to insert a clause in all future Tender Notices indicating that the Notification dated 18.01.2018 would be followed so long as the same is in force.
8. Subsequent to the Order dated 21.05.2025 of the Hon'ble Supreme Court, the State Government in the Fishery Department had also issued an Office Order dated 10.07.2025 directing the Tender Inviting Authorities [TIAs] to comply with the following :-

- I. Strictly follow the direction of the Hon'ble Supreme Court and incorporate the required clause in all future NITs for settlement of Government fisheries;
 - II. Ensure that a copy of the Government Circular dated 18.01.2018 is annexed with the NIT;
 - III. Note that any omission or lapse in complying with the above shall render the NIT invalid, and consequently, the bids received under such defective NITs shall also be treated as invalid in law.
9. On perusal of the impugned Order dated 10.12.2025, it is noticed that the Tender Settling Authority considered the proposal forwarded by the respondent no. 4 as the Tender Inviting Authority for settlement of the Fishery in light of the direction of the Hon'ble Supreme Court made in the Order dated 21.05.2025; the Notification dated 18.01.2018; and an Office Order dated 10.07.2025. After examination of the Tender Notice dated 14.07.2025 and the technical bids opened by the respondent no. 4 as the Tender Inviting Authority, the Fishery Department in the State Government as the Tender Settling Authority has reached a conclusion that the direction given by the Hon'ble Supreme Court in the Order dated 21.05.2025 [supra] to incorporate the required clause in the Tender Notice as regards the Gazette Notification dated 18.01.2018 issued by the Fishery Department, Government of Assam was not complied with. The instruction placed by the Office Order dated 10.07.2025 was not adhered to.
10. Having found such procedural infirmities in the tender process initiated by the Tender Notice dated 14.07.2025, the impugned Order has been passed. By the impugned Order, the Tender Inviting Authority has been directed to publish a fresh Tender Notice for submission of bids and to complete the entire process within a period of 30 days from 10.12.2025 so as to forward the matter to the Government for settlement of the fishery.

11. From the case projected by the petitioner, it is found that after submission of the bids, the respondent no. 4 as the Tender Inviting Authority scrutinized the bids and by preparing a Comparative Statement forwarded the matter along with the tender papers to the Government which is the Tender Settling Authority in respect of a 60% category fishery as per Rule 12 of the Assam Fishery Rules, 1953, as amended, to take a final decision in the matter of settlement.
12. It is settled that a bidder participating in a tender process cannot insist that his tender should be accepted simply because a given tender is the highest or lowest depending upon whether the contract is for distribution of State Largesses like settlement of the fishery in the present case or for execution of a contract-work. The submission of a tender in response to a Tender Notice is no more than making an offer which the State or its agencies/instrumentalities are under no obligation to accept. It is true that a participant bidder is entitled to a fair, equal and non-discriminatory treatment in the matter of evaluation of its bid. To that extent, a bidder has an enforceable right in the court which is competent to examine whether the aggrieved party has been treated unfairly or discriminated against to the detriment of public interest.
13. In the case in hand, the petitioner's bid which it claims to be the highest, is yet to be accepted by the Tender Settling Authority, that is, the State Government in the Fishery Department. When the proposal was forwarded by the respondent no. 4 as the Tender Inviting Authority to take a final decision in the matter, the State Government in the Fishery Department as the Tender Settling Authority considered the matter in the entirety, more particularly, in the light of the directions made in Order dated 21.05.2025 of the Hon'ble Supreme Court; the Gazette Notification dated 18.01.2018; and the Office Order dated 10.07.2025. Those being a direction, a notification and an order, passed on dates previous to the publication to

the Tender Notice dated 14.07.2025, the respondent no. 4 as the Tender Inviting Authority was obligated to comply. Having found infirmity in the tender process for not adhering to the directions made in the Office Order dated 10.07.2025 following the direction made by the Hon'ble Supreme Court in its Order dated 21.05.2025 and the Gazette Notification dated 18.01.2018, the tender process has been cancelled with a direction to initiate a fresh tender process in strict adherence to the direction made in the Order dated 10.07.2025.

14. As the petitioner's bid has not been accepted at any point of time prior to the Order dated 10.12.2025, no right has been crystallised in favour of the petitioner. As the tender process has been cancelled with a direction to initiate a fresh tender process, in conformity with the Gazette Notification dated 18.01.2018; the Office Order dated 10.07.2025; and the Order dated 21.05.2025, this Court finds no reason, not to speak of good and sufficient reason, to interfere with the impugned Order dated 10.12.2025.
15. The decision-making process with regard to the tender process had not reached any finality at the time the decision to cancel the tender process was taken on 10.12.2025 as there was no acceptance of the bid of the petitioner. The decision to cancel the tender process was, in no manner, arbitrary, discriminatory or malafide.
16. Consequently, the writ petition is found to be devoid of any merit and the same is liable to be dismissed. It is accordingly dismissed. There shall, however, be no order as to cost.

JUDGE

Comparing Assistant