

GAHC020006332025



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

Case No. : WP(C)/197/2025

JOINT VENTURE OF M/S S.N. ENTERPRISES AND M/S SOUTH EAST
ARCHITECTS AND BUILDERS AND 2 ORS
REPRESENTED BY ITS LEAD MEMBER SHRI. SHEVOHU NIENU,
PROPRIETOR OF M/S S.N. ENTERPRISE

2: M/S S.N. ENTERPRISE
NPW/CLASS-1/636
REPRESENTED BY ITS PROPRIETOR SHRI SHEHOVU NIENU
HAVING ITS REGISTERED OFFICE AT TOULAZOU VILLAGE
DIMAPUR-797112
NAGALAND

3: M/S SOUTH EAST ARCHITECHS AND BUILDERS
NPW/CLASS-1/936
REPRESENTED BY ITS PROPRIETOR SHRI BESUVE NIENU
HAVING ITS REGISTERED OFFICE AT DIPHUBAR VILLAGE
E KHEL
4TH MILE-797112
NAGALAN

VERSUS

UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS, GOVT. OF INDIA, TRANSPORT
BHAWAN-1, PARLIAMENT STREET, NEW DELHI-110001

2:STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

GOVT. OF NAGALAND
DEPT. OF WORKS AND HOUSING
NAGALAND KOHIMA

4:THE ENGINEER-IN-CHIEF
NPWD
NAGALAND KOHIMA

5:THE CHIEF ENGINEER
PED (NATIONAL HIGHWAY) NAGALAND KOHIMA AND CHAIRMAN
BID EVALUATION COMMITTEE

6:M/S VERTEX CONSTRUCTION
HOUSE NO. 334
LOWER PED
BELOW LOTHACHURCH
KOHIMA-797001
NAGALAND

7:M/S CHINGKAM PHOM
HOUSE NO. 1719
TOLUVI ROAD
PADUMPHUKURI WARD-3
DIMAPUR-797112
NAGALAND

8:M/S Z. RULHO
HOUSE NO. 406
LOWER BAYAVU COLONY
KOHIMA -797112
NAGALAN

Advocate for the Petitioner : SENTIYANGER,
MAONGKALA, YUKHAKOKLA, WAPANGLEMLA, NOCKLEI M
KONYAK, KEVISERIENUO, KONLI BUCHEM, V ANNE THERIE

Advocate for the Respondent : CGSC,

BEFORE:
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER
ORDER

26.09.2025

The present application under Section 226 of the Constitution of India

has been preferred by the petitioners praying for quashing of the impugned minutes of the meeting of the Bid Evaluation Committee dated 02.09.2025 and for a direction to initiate the tender process afresh.

2. Heard learned counsel for the petitioners, Mr. Sentianger as well as Mr. Moa Imchen, learned Senior Government Advocate for the respondent nos. 2 to 5.

3. Learned CGC, Mr. Yangerwati has accepted notice on behalf of the respondent no. 1; however, none appears for the respondent no. 1 when the matter is called.

4. The case of the petitioners is that the petitioner nos. 2 and 3 are Class-I Government Registered Contractors, who entered into a Joint Bidding Agreement for a joint venture for bids in the tender process initiated by the Chief Engineer, PWD (National Highway), Nagaland, Kohima vide NIT dated 23.05.2025 for "*Performance Based Maintenance Contract Work on NH-02 (old NH-61) from Km 125.000 to Km 135.000 (length 10.00 Km) under NH Division-II, Mokokchung in the State of Nagaland*" for an estimated bid cost of Rs. 1190.46 Lakhs.

5. According to the petitioners, 9 (nine) bidders participated in the tender and the Bid Evaluation Committee, opened technical bids and found that all the bidders had defective documents/qualifications. However, in the impugned minutes of the meeting of the Bid Evaluation Committee dated 02.09.2025, private respondent nos. 6, 7 and 8 were allowed to rectify their defects and, therefore, only the technical bids of the private respondent nos. 6, 7 and 8 were held responsive and qualified.

6. The petitioner has contended that after the opening of the technical bids, the private respondents could not have been allowed to rectify the defects and such rectification is arbitrary and illegal. The petitioner has relied on the case of ***Banchidhar Construction (P) Ltd. Versus Bharat Cooking Coal Ltd.*** reported in ***(2024) 10 SCC 273*** wherein the Hon'ble Supreme Court had stated that allowing rectification in defective tender documents after the pending of the technical bids was arbitrary and illegal.

7. Issue notice returnable within 4 (four) weeks. The petitioner shall take steps for service on the respondent nos. 6, 7 and 8 by Registered Post with A/D as well as usual process within 3 (three) working days from today. Extra copies of the petition shall be supplied by the petitioner to the learned Senior Government Advocate within 3 (three) working days.

8. In the interim, the impugned minutes of the meeting of the Bid Evaluation Committee dated 02.09.2025 shall remain suspended as well as the entire tender process till the next returnable date.

JUDGE

Comparing Assistant