

GAHC040000602025



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

Case No. : WP(C)/18/2025

M/s K K Enterprise
Luba Village,
PO Boasimla,
PS Raga,
Kamle District, Arunachal Pradesh,
represented by its proprietor Shri Kabak Karu,
Son of Shri Kabak Logi.

VERSUS

The State of AP and 6 Ors
represented by the Secretary,
Department of Rural Development,
Govt of Arunachal Pradesh,
Itanagar.

2:The Director of Rural Development Department
Age: 0
Occupation :
Itanagar
Papum Pare District
Govt of Arunachal Pradesh.

3:The Director Rural Development Department
Age: 0
Occupation :
Itanagar
Papum Pare District
Govt of Arunachal Pradesh.

4:The Joint Director
Age: 0
Occupation :

Rural Development Department
Itanagar
Papum Pare District
Govt of Arunachal Pradesh.

5:The Project Director
Age: 0
Occupation :
Rural Development Department
Raga
Kamle District
PO and PS Raga
Govt of Arunachal Pradesh.

6:The Chairman
Age: 0
Occupation :
Technical and Financial Tender Evaluation Committee
in Tender NIT Vide No. RD/MGNREGA/NIT/2024-25 dated 18.10.2024.

7:M/s Goda Bida
Age: 0
Occupation :
its office address at Raga
PO and PS Raga
Kamle District
Arunachal Pradesh

Advocate for the Petitioner : Jumgam Jini, Migo Laye, Gyamar Jeevan, Taying Nega, Tao Tarin, M Rime, A T Tara

Advocate for the Respondent : Binter Picha, SC (RD)

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 17.01.2025

Heard Mr. J. Jini, learned counsel for the petitioner.

By filing this writ petition, the petitioner has put to challenge the rejection of financial bid of the petitioner, dated 06.11.2024, by the Tender Evaluation Board, pursuant to the NIT dated 18.10.2024, issued by the Joint Director (RE),

Rural Development Department, Itanagar, for supply and procurement of materials under MGNREGA-2024-2025, Raga CD Block in the district of Kamle.

Mr. J. Jini, learned counsel submits that the ground of disqualification in the financial bid is not correct as the petitioner has not done anything as shown to have been done as the ground of disqualification is Clause 16(iii) of the terms and conditions of the Tender, which provides *that all entries in bid should be legible and filled clearly; any overwriting or cutting which is unavoidable shall be signed by authorized signatory. Use of correction fluid shall be liable for rejection.* He further submits that the ground of rejection is the alleged use of correction fluid which the petitioner has not done. He further submits that since the petitioner is L-I, therefore, the bid of the petitioner ought not to have been rejected arbitrarily on the non-existent ground which is not correct at all.

Issue notice, returnable by 3 (three) weeks.

As Mr. B. Picha, learned Standing Counsel for the Rural Development Department has entered appearance and accepted notice on behalf of respondents No.1 to 6, no formal notice need be issued. However, requisite extra-copies of the writ petition be furnished to the learned Standing Counsel for the Rural Development Department.

Learned counsel for the petitioner to take steps for service of notice upon the respondent No.7 by registered post with A/D as well as by usual process, within 3(three) days from today.

Having considered the categorical submission of the learned counsel for the petitioner Mr. J. Jini, this Court directs the learned Standing Counsel for the Rural Development Department to produce the original record.

Needless to observed that the award of work shall be subject to the final

outcome of this present writ petition.

List the matter after three weeks.

JUDGE

Comparing Assistant