

GAHC040004812026



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

Case No. : WP(C)/150/2026

M/s D G Enterprises and Anr
represented by its proprietor Shri Damli Niri, Son of Shri Tadam Niri, resident of
Kamba Village, PO and PS Kamba, West Siang District, Arunachal Pradesh. 791001
2: M/s Tali General Store

Age:

Occupation :

represented by tis proprietor Shri Bipu Tali

Son of Shri Tobi Tali

Gemo Tali Village

PO and PS Kamba

West Siang District

Arunachal Pradesh. 79100

VERSUS

The State of AP and 4 Ors

represented by the Secretary, Public Works Department, Govt of Arunachal Pradesh,
Itanagar. 2:The Chief Engineer

Age: 0

Occupation :

Rural Works Department

(CZ-B)

Govt of Arunachal Pradesh

Itanagar.

3:The Superintending Engineer

Age: 0

Occupation :

Public Works Circle

Aalo

Govt of Arunachal Pradesh.

4:The Executive Engineer

Age: 0
Occupation :
Public Works Department
Aalo Division
West Siang District
Aalo.

5:M/s Benji Loma Enterprises
Age: 0
Occupation :
represented by its proprietor Shri Gimit Kambu
Rise Village
PO and PS Liromoba
West Siang District
Arunachal Pradesh. 79110

Advocate for the Petitioner : Duge Soki, Lipi Niri

Advocate for the Respondent : GA (AP), SC (RWD),Gimi Tarak

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

Date : 06.04.2026

Heard Shri D. Soki, learned counsel for the petitioners, who have put to challenge the outcome of the tender process initiated vide IFB dated 16.03.2026. It is the case of the petitioners that there were 4(four) bidders including the petitioners and the respondent No.5, in which, the respondent No.5 has been declared as L-1. The primary ground of the present challenge is based on the Arunachal Pradesh District based entrepreneurs and Professionals (Incentives, Development and Promotional) Rules 2015 which were framed as per the Act of 2015. The Rules have also undergone an amendment in the year 2018 with regard to the Rule 4(ii)(e). It is contended that as per the present Rule 4(ii) (e), a contractor shall be allowed to have only 3(three) numbers of works in

any department under the Government of Arunachal Pradesh. It is the specific case of the petitioners that the respondent No.5 already has 3(three) numbers of work under the State and therefore, was ineligible to participate in the IFB. It is also contended that objections were raised and representations have been filed which have not been acted upon.

Let notice be issued returnable on 24.04.2026.

Ms P. Sangeeta, learned State counsel accepts notice on behalf of the respondents No.1 to 4, therefore, no formal notice need be issued. However, requisite extra copies of the petition be furnish to the learned State counsel during the course of the day.

Petitioner shall take steps for service of notice upon the respondent No.5 by Speed Post with A/D by tomorrow.

Shri D. Soki, learned counsel for the petitioners prays for an interim order.

Upon considering the facts and circumstances and also considering the Rule 4(ii)(e) of the Rules which restrains participation in a tender process by a bidder who already has 3(three) numbers of work, it is directed that no further steps be taken for execution of the work award by the IFB dated 16.03.2026.

It is, however, made clear that since this order has been passed at the motion stage ex parte *qua*, the respondents, they may come up for

modification/alteration/vacation, if so advised.

List the matter again on **24.04.2026**.

JUDGE

Comparing Assistant