

GAHC040008822025



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

Case No. : WP(C)/243/2025

M/s L Y Enterprises
Sikarijo Village, PO and PS Daporijo, Upper Subansiri District, Arunachal Pradesh
represented by its proprietor Shri Ladu Yekar, Son of Shri Karle Yekar, Sikarijo
Village, Po and PS Daporijo, Upper Subansiri District, Arunachal Pradesh 791122

VERSUS

The State of AP and 4 Ors
represented by the Secretary, Department of Rural Development, Govt of Arunachal
Pradesh, Itanagar 791111

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

3:The Joint Director (RE)
Age: 0
Occupation :
Department of Rural Development
Govt of Arunachal Pradesh
Itanagar.

4:The Project Director
Age: 0
Occupation :
Department of Rural Development
Upper Subansiri District
Daporijo.

5:M/s RRR Enterprise

Age: 0
Occupation :
proprietor Shri Bimbo Notum Raji
Son of Sarnu Raji
Battak Village
PO and PS Daporijo
Upper Subansiri District
Arunachal Pradesh. 79112

Advocate for the Petitioner : Taja Garam, Byabang Mema

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

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

06.06.2025

Heard Mr. T. Garam, learned counsel for the petitioner and Mr. B. Picha, learned counsel for the State respondent Nos. 1 – 4.

2. In this petition, under Article 226 of the Constitution of India, the petitioner has challenged the office note dated 02.05.2025, vide which his bid document was rejected.

3. Mr. Garam, learned counsel for the petitioner submits that the petitioner had participated in the NIT, dated 11.04.2025, issued by the respondent No. 4 for 'supply and procurement of materials under MGNREGA 2025 – 26' in respect of CD Block Chetam, Upper Subansiri, Daporijo (Pachage – VIII) and after the evaluation of the financial bids, the petitioner was found to be L1 bidder. But, vide office note dated 02.05.2025, in spite of the petitioner being the L1 bidder, the bid documents quoted by the L2 bidder, namely, M/s RRR Enterprise was accepted by the respondent authorities.

4. Per-contra, Mr. Picha, learned counsel for the respondent Nos. 1 – 4, referring to a decision of Hon'ble Supreme Court in the case of **Shanti Sports**

Club and Another vs. Union of India and Others, reported in (2009) 15 SCC 705, submits that the office note, dated 02.05.2025, is not an order and is a note sheet only and that no order has been issued pursuant to the aforesaid office note. Mr. Picha further submits that until and unless an order is issued on the basis of the said office note, the petitioner cannot challenge the same.

5. Having heard the submissions of learned counsel for both the parties and also considering the facts and circumstances on the record, it is provided that, let notice be issued to the respondents, returnable in 4 weeks.

6. Steps be taken upon the respondent No. 5 by registered post with A/D as well as by usual process, within a week from today.

7. As Mr. Picha has appeared and accepted notice on behalf of the respondent Nos. 1 – 4, no formal notice is required to be issued to him. However, extra requisite copy of the petition be furnished to him during the course of the day.

8. It appears that in spite of being the L1 bidder, the respondent authorities have decided to settle the tender in favour of the respondent No. 5 for the Chetam Block, vide office note dated 02.05.2025, without any plausible ground.

9. Under the given facts and circumstances, in the interim, it is provided that till returnable date, the tender shall not be finalized.

10. List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant