

GAHC040015882025



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

Case No. : WP(C)/444/2025

M/s N T Enterprises
represented by its proprietor Shri Dorjee Norbu, residing near General Parade
Ground, PO and PS Tawang, District Tawang, Arunachal Pradesh 790104

VERSUS

The State of AP and 4 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, 1st Floor, Block-I,
Civil Secretariat, Itanagar, Arunachal Pradesh 791111 2:The Secretary
Age: 0
Occupation :
Water Resources Department
Govt of Arunachal Pradesh
Itanagar 791111

3:The Secretary
Age: 0
Occupation :
Public Works Department
Govt of Arunachal Pradesh
Itanagar 791111

4:The Deputy Commissioner
Age: 0
Occupation :
Tawang District
Zhitro Tse
Tawang
Arunachal Pradesh 790104

5:The Executive Engineer
Age: 0
Occupation :

Water Resources Department
Tawang Division
Tawang District
Arunachal Pradesh
79010

Advocate for the Petitioner : Jambey Tsering Kee, Techhi Topu

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 15.09.2025

Heard Mr. J. Tsering Kee, learned counsel for the petitioner, who submits that the petitioner being aggrieved with the Letter dated 18.08.2025 issued by the Deputy Commissioner, Tawang District (Annexure-7), is before this Court. The learned counsel for the petitioner submits that tender was floated for construction of 35 seated Hostel Building for working women in Tawang District for an estimated cost of Rs.649.96 Lakhs dated Nil. The petitioner on 24.07.2025 submitted a request for cancellation and re-publication of the NIT since there were certain discrepancies with regard to date, insufficient submission period, offline publication contrary to norms etc. Accordingly, the NIT was cancelled for re-tendering. However, a report was submitted before the Officer-in-Charge, Tawang Police Station by the Executive Engineer, Water Resource Division, Tawang stating that although bid was cancelled due to technical error but the bidding documents both technical and financial bid including Earnest Money Deposit were found to be missing. Following the complaint, a Show-Cause notice was issued by the Deputy

Commissioner, Tawang District to the petitioner on 28.07.2025 alleging that representative of petitioner's firm have engaged in unruly behaviour, and physical intimidation and therefore, the petitioner was required to Show-Cause within 5(five) days from the date of issuance of the notice as to why petitioner's firm should not be blacklisted and debarred from participating in future government tenders in the districts.

Although the petitioner submitted a reply on 31.07.2025, denying the allegation, the Deputy Commissioner on 18.08.2025, wrote to the Executive Engineer, Water Resource Division, Tawang to debar the petitioner and another firm from participating in the re-tendering process. Aggrieved, the petitioner is before this court.

The learned counsel for the petitioner submits that the Deputy Commissioner has no jurisdiction to issue such kind of instruction for debarring the petitioner from participating in the tender process and therefore, the impugned action of the Deputy Commissioner should be interfered with by this Court and petitioner be allowed to participate in the tender process.

Considering the above submission, let notice on motion be issued returnable by 22.09.2025.

Mr. R. H. Nabam, learned Additional Advocate General accepts notice on behalf of all the respondents and therefore, no formal notice is required. However, requisite extra copies of the writ petition be served on him during the course of the day.

Also issue notice on the interim prayer returnable by the same date.

Having regard to the projection made by the petitioner, in the interim, it is hereby provided that, notwithstanding the communication dated 18.08.2025, the petitioner shall be allowed to participate in the tender process, which is in the form of online bidding with a timeline from 05.09.2025 to 18.09.2025 (1600Hrs). If the petitioner submits his bid, the same shall not be rejected by the respondent authorities in terms of the Deputy Commissioners letter dated 18.08.2025, but submission of the bid would be subject to outcome of this writ petition. The respondents may proceed with the opening of the technical bid as per scheduled, but the result shall not be declared without leave of this Court.

List the matter again on **22.09.2025**.

JUDGE

Comparing Assistant