

GAHC040020872025



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

Case No. : WP(C)/597/2025

M/s R B Enterprises and Anr
having its registered office at Jayang Bagang Village, PO and PS Chayang Tajo, East
Kameng District, Arunachal Pradesh, represented by its proprietor Shri Rungni
Bagang.

2: Rungni Bagang
Age:
Occupation :
Son of Late Taku Bagang
a permanent resident of Jayang Bagang Village
Po and PS Chayang Tajo
East Kameng District
Arunachal Pradesh

VERSUS

The State of AP and 5 Ors
represented by the Secretary, Rural Development Department, Govt of Arunachal
Pradesh, Itanagar.

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

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

4:The Deputy Director (RD)
Age: 0
Occupation :
Rural Development Department
Seppa
East Kameng District
Arunachal Pradesh.

5:The Tender Scrutiny Board
Age: 0
Occupation :
through its Chairman cum ADC
Seppa (HQ)
East Kameng District
Arunachal Pradesh.

6:M/s Kame Enterprises
Age: 0
Occupation :
represented by its proprietor Shri kame Yangfo
Son of Late Sama Yangfo
Yangfo Village
PO and PS Chayang Tajo
East Kameng District
Arunachal Pradesh 79010

Advocate for the Petitioner : T T Tara, Y Mugli,Pondit Ronya,Taba Tokur,Khoda Apa,Gamken Bam

Advocate for the Respondent : Binter Picha, M Basar,Khyoda Yayo,Kipa Tagar,Michi Khambo,R Taku,Binny Nyaruce,Rajesh Sonar,SC (RD)

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 19.12.2025

Heard Mr. Tadup Tana Tara, learned counsel for the petitioner. Also heard Mr. Binter Picha, learned standing counsel, Rural Development Department, appearing on behalf of all the respondents.

2. By way of filing the present writ petition under Article 226 of the Constitution of India, the petitioner has assailed the issuance of the Letter of Intent (LOI) dated 26.11.2025, issued by the Director, Rural Development Department, Government of Arunachal Pradesh, Itanagar, in favour of respondent No. 6 in respect of the Notice Inviting Tender(NIT), dated 24.09.2025, for supply and procurement of material under MGNREGA, alleging arbitrariness, lack of transparency and violation of the principles of natural justice, more particularly, on the ground that no speaking order rejecting the petitioner's technical bid has been passed or communicated and that the relevant bid evaluation record have not been disclosed.

3. It is contended that the petitioner being an eligible Contractor, participated in the Notice Inviting Tender (NIT), dated 24.09.2025, for the work "Supply of material under MGNREGA 2025-26, Pipu, CD Block, Package No. VI", complying all the conditions including submission of an affidavit regarding the ongoing works carried-out by his Firm. It is submitted that upon receipt of complaints from the respondent No. 6, alleging ineligibility of the petitioner's Firm to participate in the aforesaid tender process; the petitioner has submitted a clarification, on 06.11.2025 that it did not exceed the permissible number of ongoing works.

4. It is contended that, despite such clarification submitted by the petitioner regarding the eligibility and the same having been verified and forwarded by the respondent No. 4 i.e. Deputy Director, Rural Development Department, East Kameng District; the respondent authority proceeded to issue the impugned Letter of Intent(LoI), dated 26.11.2025, in favour of the respondent No.6 without assigning any reason, thereby, rendering the issuance of the Letter of Intent (LOI), to the respondent No. 6, arbitrary and illegal and in violation of the constitutional mandate under article 14 of the Constitution of India.

5. Mr. Picha, learned standing counsel, Rural Development Department, appearing on behalf of State Respondents No. 1 to 5, on the other hand, fairly submits that the grounds for rejection of the bids of the petitioner's Firm have not been communicated to him, as yet.

6. Mr. Sonar, learned counsel for the caveator/respondent No. 6, submits that the respondent No. 6 has submitted a representation before the respondent No. 2 i.e. Director, Rural Development Department, Government of Arunachal Pradesh, Itanagar, for rejection of the tender bids of the petitioner's Firm wherein, he has raised an objection to the effect that the petitioner is the Proprietor of 3(three) Firms, which are, at the moment, executing more than 3(three) works in the East Kameng District, Arunachal Pradesh. He oppose the interim prayer and submits that the work order/supply order has already been issued to the respondent no.6 and as such, the interference at this stage would disrupt the tender process.

7. Having considered the submissions of the learned counsels appearing for the parties and without expressing any opinion on the merit of the case, this Court is of the view that the issue raised in this writ petition, require further examination.

8. Issue notice to the respondents.

9. As Mr. Picha, learned standing counsel, Rural Development Department, and Mr. Sonar, learned counsel for the caveator/ respondent No.6, have accepted notice on behalf of their respective respondents; no formal notice is required to be issued to the said respondents. However, requisite extra copies of the petition be furnished to them during the course of the day.

10. As requested by the learned counsels appearing for the parties; list this matter again on 7th of January, 2026.

11. On the next date fixed, Mr. Picha, learned standing counsel, Rural Development Department, shall place before this Court, the relevant records, in original, pertaining to the Notice Inviting Tender (NIT), in question.

12. In the meantime, it is provided that till the returnable date, further proceedings pursuant to the aforesaid Letter of Intent (LOI) dated 26.11.2025, issued in favour of respondent No.6, shall remain stayed, subject to the further orders of this Court.

JUDGE

Comparing Assistant