

Serial No.02
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 98 of 2025

Date of Order : 02.04.2025

Meghalaya Medicals Supplier Association Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. K.Paul, Sr. Adv. with
Mr. S.Chanda, Adv.
Ms. R.Dutta, Adv.

For the Respondent(s) : Mr. A.Kumar, AG with
Mr. A.H.Kharwanlang, Addl. Sr. GA
Ms. S.Laloo, GA.

1. Heard Mr. K.Paul, learned Sr. counsel assisted by Mr. S.Chanda, learned counsel for the petitioner.

2. Issue notice.

3. Mr. A.Kumar, learned AG assisted by Mr. A.H.Kharwanlang, learned Addl. Sr. GA is present and accepts notice on behalf of the all the respondents, so no further notice is called for.

4. The grievance as put up by the petitioner association is that in the corrigendum dated 27-03-2025, issued by the respondent No. 3 with regard

to the supply of items for the Health Department, certain items therein appears to have been specified to favour a certain manufacturer which will prejudice the other tenderers who are members of the association. Mr. K.Paul, learned Sr. counsel has taken this Court to certain items, and has vehemently argued that the manner in which the corrigendum has been issued, clearly shows that the same has been made to favour a certain manufacturer manufacturing the said items. He therefore, prays that in the interim, the tender process be suspended until the matter is clarified by the respondents before this Court.

5. Mr. A.Kumar, learned AG in reply has submitted that the allegations of the petitioner association, are totally unfounded and has submitted that there are 161 items which have been placed in the tender, and out of these, 116 are generic and the items referred to which are questioned by the petitioner are specific and are of high quality. He further submits that in the corrigendum dated 27-03-2025 itself, it has been clearly indicated that the bidders are allowed to participate with deviation of higher specifications than stated in the bid document. As such, he submits that there is no cause for interference with the tender process at this stage.

6. Having heard the learned Sr. counsel for the parties, this Court notes that the NIT has been floated for supply of installation and commissioning of medical equipment which is crucial for the health delivery system in the

State of Meghalaya. At this stage, though arguments have been raised by the learned Sr. counsel for the petitioner specifically with regard to items 8.15, 8.18 and 8.22, this Court is not inclined to suspend the tender process, inasmuch as, there are numerous other items involved.

7. Accordingly, no interim orders are called for presently and the State respondents are directed to file the affidavit within one week to clarify the position with regard to the corrigendum.

8. List this matter on 16-04-2025.

Judge

Meghalaya
02.04.2025
"Samantha PS"