
(2016) 09 GAU CK 0065

In the Gauhati High Court

Case No : W.P(C) No. 320 (AP), 321 (AP) and 377 (AP) of 2016

A.R. Enterprises(M/s)

APPELLANT

Vs

State of Arunachal Pradesh

RESPONDENT

Date of Decision : 16-09-2016

Acts Referred:

Citation : (2017) 1 GauLT 319

Hon'ble Judges : Manojit Bhuyan, J.

Bench : Single Bench

Advocate : Mr. B. Kaushik and Ms. S. Nag, Advocates, for the Petitioner; Mr. K. Ete, Addl. A.G., Mr. K. Tama and Ms. H. Jeram, Advocates, for the Respondents

Final Decision : Dismissed

Judgement

Manojit Bhuyan, J. (CAV) - The Notice Inviting Tender (NIT) dated 14.04.2016 was issued by the Government of Arunachal Pradesh, in the Office of Superintending Engineer(E), Arunachal Pradesh Electrical Circle No-V, Department of Power, Ziro, inviting on-line tenders for carrying out Rural Electrification works under Deen Dayal Upadhyay Gram Jyoti Yojana (DDUGJY). The said Rural Electrification works was categorized in 3(three) packages, namely, for Lower Subansiri District, Kurung Kumey District and Upper Subansiri District of Arunachal Pradesh. The last date for submitting tender documents via on-line was fixed upto 1200 hours of 02.06.2016. Interested bidders were also required to submit hard copies as supportive documents for Techno-Commercial Evaluation of the uploaded tender copies and documents.

2. WP(C) 320 (AP)/2016 is in respect of bid submitted by the petitioner i.e. M/s. A.R. Enterprises as an individual firm against Rural Electrification works at Kurung Kumey District, whereas WP(C) 321 (AP)/2016 is in respect of the bid submitted by the same petitioner as a Joint Venture Firm against Rural Electrification works at Lower Subansiri District. WP(C) 377 (AP)/2016 is instituted by a different entity i.e, M/s. K.T. Enterprises with allegation that it was not afforded opportunity to participate in the bid process, for reasons to be

discussed in the later part of this judgment.

3. In so far as WP(C) 320 (AP)/2016 is concerned, the records reveal that although 9 (nine) bidders had successfully uploaded their bid documents in the official website, however, the hard copies of the bid documents of only 8 (eight) firms had been received until the last date and time of receipt of the bid documents. The Minutes regarding the opening of the bid documents in respect of Kurung Kumey District on 02.06.2016 discloses that the petitioner had tendered the required fees in the form of Demand Draft along with the required Earnest Money in the form of fixed deposits. The Integrity Pact executed by and between the Superintending Engineer (E)-cum-Chairman and representative of the petitioner had also been accepted. Things came to a head when the petitioner received an e-mail dated 09.06.2016 from the Superintending Engineer(E), Ziro Electrical Circle informing that the petitioner's bid in respect of Kurung Kumey District stood rejected during technical evaluation by the constituted Committee on ground of "Incomplete Documents". By the said e-mail, the petitioner was also informed that in case it seeks any clarification or feed-back, it may contact the Tender Inviting Authority. The Techno-Commercial Evaluation of bid documents for electrification works of Kurung Kumey District, as made available to the petitioner, revealed that the petitioner's bid had been rejected on grounds that the petitioner does not fulfil the Pre-Qualification criteria as required under Part-A, Vol-I, Section III (Qualification of Bidder). On 11.06.2016, the petitioner made a representation to the Superintending Engineer (E), Arunachal Pradesh Electrical Circle No. V, Department of Power, Ziro expressing shock at the rejection of its Techno-Commercial bid despite having fulfilled all requirements under the Pre-Qualification criteria. While requesting for re-evaluation of the bid documents and for not opening the Financial Bids before re-evaluation exercise is done, the petitioner also enclosed documents, which it had uploaded in the website, to substantiate of having fulfilled the Pre-Qualification criteria. The documents so enclosed were in respect of works/project completed along with the year of completion. The particulars of the 3(three) completed projects with supporting documents which had been enclosed to the representation dated 11.06.2016 were, (i) RGGVY of Palin-Yangte Package with year of completion being 2013-14, (ii) System Improvement in and around Bameng EAC HQ in East Kameng District under SPA with year of completion being 2012-13 and (iii) APDRP Scheme Package-C & D under KKED, Sangram with year of completion being 2007-08. In respect of the first project, i.e, Palin-Yangte Package, the Certificate so enclosed was in respect of the work awarded to one M/s. ICSA (India) Pvt. Ltd., Hyderabad, which had been successfully completed by the petitioner on Back to Back Basis. The said Certificate was issued under the hand of the Executive Engineer (E), Kurung Kumey Electrical Division, Department of Power, Sangram. In respect of the second project, a copy of the Award of Tender had been enclosed and in so far as the third project i.e, APDRP Scheme Package-C & D is concerned, a Certificate dated 08.02.2008, issued under the hand of the aforesaid Executive Engineer (E), was enclosed. By

another representation of like date i.e. 11.06.2016, the petitioner made request for re-evaluation of the Techno-Commercial bid of the private respondent no.5 showing that there had been numerous deficiencies in the bid documents submitted by the said respondent no. 5. As many as 14 deficiencies were highlighted to question as to how the Techno-Commercial bid of the respondent No.5 could have been adjudged as responsive.

4. In so far as the two representations dated 11.06.2016 are concerned, the same were answered by letters dated 15.06.2016 and 16.06.2016 respectively, which documents are enclosed to the common affidavit-in-opposition filed by the respondent nos. 2,3 & 4 in the connected writ petition i.e. WP(C) 321 (AP)/2016. The first letter dated 15.6.16, issued under the hand of Superintending Engineer (E), Arunachal Pradesh Electrical Circle-V discloses the stand of the State respondents to the effect that the credentials submitted by the petitioner in respect of Palin-Yangte Package cannot be taken into account in view of the criteria under the Qualification of Bidders, which lays down that subcontractor's technical experience and financial resources shall not be taken into account in determining the bidder's compliance with the qualifying criteria. It was also recorded that the Completion Report of Palin-Yangte Package having made mention of completing the project on Back to Back Basis, the matter had been referred to the Chief Executive Officer, Arunachal Pradesh Power Development Agency (APDA) for further decision, response of which had not been received by the office and as such, the office had proceeded as per the criteria and as per direction of the APDA. Responding to the Award letter of System Improvement in and around Bameng EAC HQ in East Kameng District, it was observed that it could not be ascertained from the award letter as to whether the work in question have stood completed. Also, the technical parameters under the award letter had not been enclosed in the uploaded bid documents. In so far as the third project i.e. APDRP Scheme Package-C & D is concerned, it was observed that the Certificate being dated 08.02.2008, the same was beyond acceptable limit, inasmuch as, the experience of last seven years was required to be submitted as per the criteria under the Qualification of Bidders. On the said views/ observations, it was held that the petitioner did not meet the technical requirements and, therefore, its bid cannot be re-evaluated again. In so far as the second representation dated 11.06.2016 is concerned, the reply of the Department vide its letter dated 16.06.2016, disclosed a detailed response to the deficiencies alleged against the respondent No.5 with further information that clarifications in respect of deficiencies alleged in point Nos. 7, 8, 9, 10, 11, 12 and 14 would be intimated after re-evaluation of bid documents.

5. Mr. B. Kaushik, learned counsel for the petitioner submits that the respondent concerned could not have taken the view that the credentials submitted in respect of Palin-Yangte Package cannot be taken into account. Mr. Kaushik contends that the completion of the work on Back to Back Basis cannot be interpreted as sub-contracting pending decision of the Chief Executive Officer, APDA. The very fact that a decision on the point was awaited, is clearly revealed

from the letter under reference i.e. 15.06.2016. Further contention of Mr. Kaushik is that there is total non-application of mind on the part of the State respondents as regards the work of System Improvement in and around Bameng EAC HQ in East Kameng District under SPA. According to him, the work stood completed, as can be had from the Certificate dated 30.8.13 which is enclosed as Annexure-P/I at page-10 of the affidavit-in-reply of the petitioner in WP(C) 321 (AP)/2016. Mr. Kaushik submits that this Certificate was very much available with the State respondents as it formed part of the bid documents so uploaded by the petitioner. Primarily on these two counts, petitioner submits, that the rejection of its bid at the level of Techno-Commercial Evaluation stood vitiated, being illegal and rendered on total non-application of mind.

6. Mr. K. Ete, learned Additional Advocate General, State of Arunachal Pradesh, representing the State respondents submits that the orders/letters issued on 15.06.2016 and 16.06.2016, consequent upon re-evaluation made on the basis of the representations filed by the petitioner, are not under challenge in the present proceeding. According to Mr. Ete, execution of work on Back to Back Basis is nothing but sub-contracting and this view has been correctly taken by the Department concerned. Mr. Ete submits that even if there be another view, that Back to Back Basis cannot be held to be sub-contracting pending decision of APDA, this itself would not restrain the State respondents to take the earlier view. In this respect, Mr. Ete reiterates the legal proposition that if two views are possible and the Government takes one of it, the same would not be amenable to judicial review on the ground that the other view, even according to the Court, is a better view. Further contention of Mr. Ete is that the Completion Certificate at page 10 of the affidavit-in-reply of the petitioner in WP(C) 321 (AP)/2016, is a document introduced for the purpose of the present proceedings. The same was not uploaded and does not form part of the bid documents submitted by the petitioner. The grounds assigned for rejection of the petitioner's bid at the stage of Techno-Commercial Evaluation, according to Mr. Ete, comprehensively goes to show that the petitioner failed to meet the requirements/criteria relating to Qualification of Bidder engrafted in Volume-I Section-III Part-A of the Contract conditions.

7. To buttress his arguments on the scope of judicial review as well as the power of the Court to interfere in a commercial matter involving overwhelming public interest, reliance is placed on Apex Court decisions, which will be noticed in this judgment. The decisions covers both WP(c) 320(AP)/2016 and WP(c) 321(AP)/2016.

8. As regards the subject matter in WP(c) 321 (AP)/2016, where participation was made by M/s. AR. Enterprises as a Joint Venture Firm, the Technical Bid of the petitioner was rejected on grounds that (i) the Integrity Pact had not been signed by the Joint Venture Partner; (ii) the Pre-qualification criteria under Part-A was not made by the lead partner and (iii) the attachments uploaded in the website, the particulars of which finds recorded in the Techno-Commercial

Evaluation, are for Kurung Kumey District and not of Lower Subansiri District. An additional ground is also assigned that the documents uploaded by the petitioner in Volume-I, II, III File are not legible.

9. Mr. Kaushik, learned counsel for the petitioner submits that the Integrity Pact having been accepted on the date of opening of the Technical Bid, the reason now shown that the Integrity Pact had not been signed by the Joint Venture Partner is not open to the State respondents. As regards the second ground of rejection, it is submitted that the credentials submitted by the petitioner along with his bid documents, re-submitted along with the representation dated 11.06.2016, takes adequate care of it. The said credentials of the petitioner as a lead partner being in compliance of the Pre-Qualification criteria, as such, the ground of rejection have no legs to stand on. Regarding the documents being uploaded for Kurung Kumey District instead of Lower Subansiri District, Mr. Kaushik submits that the same had occasioned due to typographical mistake, which was subsequently clarified by another representation dated 11.06.2016 (Annexure-5). As regards the documents so uploaded being not legible, Mr. Kaushik submits that the bid documents submitted by way of hard copies were legible in all respects. The submission of Mr. Kaushik is that the grounds assigned for rejecting the Technical Bid in respect of Lower Subansiri Package are not substantial to throw the petitioner out of competition.

10. On the other hand, Mr. Ete submits that although on the date of opening of Technical Bid, the Integrity Pact of the petitioner had been accepted, but the same was made subject to scrutiny. To this end, Mr. Ete refers to the Minutes of the e-Tender opening, to say that all the bidders had been informed that the uploaded copies and documents will be taken as a final one for rejection or acceptance at the time of Techno-Commercial scrutiny. According to Mr. Ete, the mere acceptance of the Integrity Pact on the date of opening of Technical Bid would not provide immunity to the Integrity Pact from further scrutiny. Reference is also made to sub-clause (c) of clause-IV of the Qualification of Bidder, to say that it is a requirement that each of the other partners should have successfully erected, tested and commissioned electrical works of the capacity and dimensions as stipulated therein. According to Mr. Ete, such condition had not been met by each of the partners of the Joint Venture Firm.

11. Mr. K. Tama, learned counsel representing Respondent No.5 in both the writ petitions i.e. WP(C) 320(AP)/2016 and WP (C) 321 (AP)/2016 opens his arguments by saying that the Completion Certificate at page 10 of the affidavit-in-reply of the petitioner in the latter case cannot stand for consideration, inasmuch as, there are no pleadings made in either of the writ petitions as regards the same having uploaded and not taken into consideration by the respondents concerned. Mr. Tama also submits that no mala fide has been alleged as against any of the official respondents. Placing reliance in the case of *Larsing M v. Meghalaya Tourism Development Corporation Ltd.*, reported in 2008 (2) GLT 564, it is submitted that in order to succeed, the petitioner must rest his

case on the strength of his own case and not on the weakness of his opponent. In the instant case, according to Mr. Tama, the petitioner have utterly failed to demonstrate that he fulfilled the Qualification criteria in the Techno-Commercial Evaluation. As such, the petitioner having been adjudged not qualified on merit, he has no locus to challenge the selection of the Respondent No.5 in the Techno-Commercial Evaluation in both the categories i.e. for Rural Electrification works at Kurung Kumey District and Lower Subansiri District. Further contention is that both the writ petitions are liable to be dismissed with cost.

12. I have heard the learned counsels for the parties at length and have also perused the materials on record as well as the office records so produced on behalf of the Department, including the bid documents submitted by the petitioner. At the very outset, it is made clear that determination of the two writ petitions is first had on the point as to whether the petitioner have been able to demonstrate that it had fulfilled the eligibility/Qualification criteria in terms of the requirements under Vol-I, Section III of Part-A (Qualification of Bidder) under the IFB. Consideration is also made as to whether the State respondents have committed any manifest mistake in evaluating the Technical Bids of the petitioner in its correct perspective.

13. First and foremost, it is observed that the letters dated 15.06.2016 and 16.06.2016 issued by the Superintending Engineer (E), Arunachal Pradesh Electrical Circle-V upon request for re-evaluation made by the petitioner vide representations dated 11.06.2016 are not under challenge in the present proceedings. The initial rejection of the bid of the petitioner in respect of the Kurung Kumey Package was on grounds that the petitioner did not fulfil the Pre-qualification criteria as required under Vol-I, Section III, Part-A relating to Qualification of Bidder. On a representation made on 11.06.2016 for re-evaluation of the bid documents, the letter dated 15.06.2016 was issued declining request for re-evaluation. It is seen that along with the representation dated 11.06.2016, the petitioner had enclosed thereto 3 (three) supporting documents to show its credentials and to justify that it" fulfilled the parameters as required under Part-A of Vol-I, Section III of die Qualification of Bidder. Each of the documents, which was also uploaded in the official website as forming part of its bid documents, had been duly considered with views expressed by the State respondents. As regards the first supporting document relating to RGGVY of Palin-Yangte Package, the State respondent have held that the same disclosed completion of the project on Back to Back Basis. The Package, in fact, had been awarded to one M/s. ICSA (India) Pvt. Ltd., Hyderabad. In the estimation of the State respondents, the completion of the project on Back to Back Basis was held to be sub-contracting, which was not permissible under the Qualification of Bidder and, as such, the said Certificate was not open for being taken into account. Apparently, the expression "Back to Back Basis" is not defined in the IFB. Whether it amounts to subcontracting or otherwise cannot be had from the terms and conditions of the contract. However, a view has been taken by the State respondent that it tantamounts to sub-contracting and therefore, the

petitioner was held as not to have qualified in the Techno-Commercial Evaluation. There can be another view to the expression "Back to Back Basis", in that, it may not be construed as subcontracting in the absence of any definition given to it in the IFB. In *Onkar Lal Bajaj v. Union of India*, reported in (2003) 2 SCC 673, the Apex Court, in a matter relating to Government contracts have held that if two views are possible and the Government takes one of if the said view would not be amenable to judicial review on the ground that another view, even if according to the Court, is a better view. Law being clear on this point, the view taken by the State respondents that a project done on Back to Back Basis is subcontracting is not open for judicial interference. In this respect, the decision of the State respondent that the credentials submitted by the petitioner on support from the Certificate relating to Palin-Yangte Package cannot be taken into account, is a reasonable view/decision. The argument advanced by the petitioner that the said Certificate could not have been ignored pending decision of the Chief Executive Officer, APDA, it is seen that the State respondents had proceeded by sticking to its views as per criteria laid down and on direction of APDA dated 20.05.2016. The submissions made by Mr. K. Ete also needs to be noted that the project in question involves paramount public interest as it relates to Rural Electrification of the Districts concerned and by no means any delay in the implementation of the projects can be permitted. The second document enclosed to the representation dated 11.06.16, relates to Award of Tender for the work of System Improvement in and around Bameng EAC HQ in East Kameng District under SPA during 2011 -12. Indeed, the said document is only a Award of Tender and does not signify completion of the work in question. The State respondents have rightly held that from the Award letter it cannot be ascertained as to whether the work had been completed or not. The said document cannot go in favour of the petitioner to demonstrate its credentials towards fulfilling the parameters under Vol-I, Section III, Part-A of Qualification of Bidder. The third document being a Certificate dated 08.02.2008, relating to completion of APDRP Scheme Package-C & D under KKED, Sangram was also rightly ignored form consideration as the experience so gathered related to a period beyond 7(seven) years which is beyond the permissible limit as envisaged under Vol-I, Section III, Part-A, Qualification of Bidder. On a whole, the rejection of the Technical Bid of the petitioner and the decision declining re-evaluation do not stand vitiated in any manner. Having so held, the deficiencies so alleged against Respondent No.5 is not gone into for the elementary reason that the petitioner itself could not make out a case demonstrating that he fulfilled the requirements under the Qualification of Bidder.

14. In respect of the Electrification Works relating to Lower Subansiri District, it is seen that the petitioner, as the lead partner, failed to meet the Pre-qualification criteria. The reason for coming to this conclusion is not repeated as the same has been aptly discussed in the foregoing paragraph of the judgment. Suffice to say, the Technical Bid of the petitioner as a Joint Venture Firm failed to meet the requirements envisaged under clause-iv of Vol-I, Section III, Part-A of the

Qualification of Bidder. The minor deviations for uploading attachments relating to Kurung Kumey District Package instead of Lower Subansiri Package is not considered as a deficiency warranting rejection of the Technical Bid of the petitioner, inasmuch as, under the Qualification of the Bidder, a discretion vests on the employer to waive minor deviations if the same do not materially affect the capability of the bidder to perform the contract. The said ground being taken as one of the grounds for rejecting the Technical Bid of the petitioner is not considered as a valid ground of rejection. Interference is made only to this limited extent but, by and large, the petitioner as a Joint Venture Firm failed to meet up to the requirements. Other than the minor deviation and finding above, the decision of the State respondents in rejecting the bid of the petitioner in the Techno Commercial Evaluation on the other grounds cannot be faulted.

15. In *Air India Limited v. Cochin International Airport Limited*, reported in (2000) 2 SCC 617, the Apex Court have held that although decision taken on a commercial consideration by the State is not amenable to judicial review, the Court can examine the decision-making process and interfere if the decision is found vitiated by mala fides, unreasonableness and arbitrariness. A caveat was also expressed that only when the Court arrives at a conclusion that overwhelming public interest requires interference in the matter, the Court should intervene. In the present case, there are no allegations of mala fide. No element of unreasonableness and arbitrariness on the part of the State is also demonstrated. No case is also made out that the decision-making process of the State respondents requires to be interfered with on grounds of overwhelming public interest. Rather, the element of public interest tilts in favour of the State respondents to take emergent steps towards implementation and completion of the Rural Electrification works in the Districts concerned. In the same vein, the Apex Court in the case of *Michigan Rubber (India) Limited v. State of Karnataka*, reported in (2012) 8 SCC 216 have held that before a Court interferes in a tender or contractual matter in exercise of power of judicial review, it should pose to itself the question whether the process adopted or decision made by the authority is mala fide or intended to favour someone or whether the process adopted or decision made is so arbitrary and irrational that the Court can conclude that the decision is such that no responsible authority acting reasonably and in accordance with relevant law could have reached such a decision. The Court must also ascertain whether public interest is affected. The Apex Court have held that if the answers to the said questions are in the negative, then there should be no interference under Article 226. In the instant case, the petitioner have neither alleged mala fide nor have demonstrated to the satisfaction of this Court that the process adopted by the State respondents was intended to favour the Respondent No.5. The petitioner also failed to ably demonstrate that the decision taken in rejecting the bid of the petitioner was an arbitrary and irrational decision and/or that overwhelming public interest had been affected.

16. The scope of judicial review in contractual matters takes within its fold the

test to examine whether a participating bidder had been granted a fair, equal and non-discriminatory treatment in the matter of evaluation of his tender. Having regard to the said scope of judicial review and considering the case of the petitioner in its entirety, there cannot be any proposition that in the matter of evaluation of the bid of the petitioner, it had been denied a fair, equal and non-discriminatory treatment at the hands of the State respondents. Having regard to the discussions and findings above, there is no merit in both the writ petitions i.e. WP(C) 320(AP)/2016 and WP(C) 321 (AP)/2016. Resultantly, both the writ petitions stands dismissed, however without any order as to cost. Interim order stands vacated/recalled.

17. Turning to WP(C) 377(AP)/2016, the petitioner i.e. M/s. K.T. Enterprises had also responded to the Notice Inviting Tender dated 14.06.2016 against Rural Electrification Works of Kurung Kumey District. Mrs. S. Nag, learned counsel, submits that the petitioner had submitted its bid documents through on-line process. However, in so far as submission of the hard copies of the bid documents, Mrs. Nag contends that the petitioner was misled by an undated Circular issued from the Office of the Superintending Engineer(E), Arunachal Pradesh Electrical Circle No-V, Department of Power, Ziro and, therefore, was not given the opportunity to participate as a competitive bidder. The undated Circular was by way of general information to the members of the Tender Opening Committee, the staff deployed for the purpose and the prospective bidders/tenderers, information circulated was that the receiving, opening and downloading of the tender documents against the Districts concerned will be done in the Conference Hall of the District Administration, Lower Subansiri District, near Abo Tani Hall, Hapoli, due to inconvenience caused by slow internet connectivity as well as for security reasons in the Office of the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Hapoli. Accordingly, all concerned were requested to come to the Conference Hall of the District Administration on 02.06.2016 at 2.30 P.M. positively. According to the petitioner, while waiting to submit the hard copies of the bid documents, was informed at the last moment that the venue for receiving the bid documents has been changed and already done in the Office of the Superintending Engineer (E). The Tender Opening Committee had only come to the Conference Hall of the District Administration, Lower Subansiri District, near Abo Tani Hall, Hapoli only for the purpose of opening and downloading of tender. Request for accepting the hard copies of the bid documents was refused by the Tender Opening Committee and for redressing the grievances, the petitioner had submitted representations before the concerned authorities. In the absence of any positive response, the petitioner was constrained to institute WP(C) 292(AP)/ 2016, which stood disposed of by order dated 07.06.2016 directing the respondent authorities, particularly the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro to consider the representation/complaints submitted by the petitioner with regard to receiving the hard copies of the bid documents. The representation/ complaint of the petitioner was heard and disposed of by order

dated 14.06.2016 and by a detailed order the said representation was rejected, having regard to clause- 9.1 of the IFB of Vol-1, Section 1. Constrained thus, the petitioner have put to challenge the order dated 14.06.2016 and for a direction to the State respondents to re-tender the DDUGJ Y Scheme in respect of Electrification Works at Kurung Kumey District by the instant proceedings.

18. Mr. Ete submits that, apparently, the petitioner failed to submit the hard copies of the bid documents on or before 1200 hours on 02.06.2016 at the Office of the Superintending Engineer (E). Further, the undated Circular relied upon by the petitioner had never been acted upon and was neither circulated amongst the officials nor uploaded in the official website for information of the prospective bidders. Mr. Ete also submits that the petitioner have failed to disclose the source from which the undated Circular had been obtained and also to demonstrate that the said undated Circular had been acted upon.

19. I have heard the learned counsel for I the parties and have perused the materials on record.

20. Evidently, the source from which the I undated Circular had been obtained is not I specifically disclosed in the writ petition. The only statement made at paragraph 6 of the writ petition is that the Circular had been published in the official website of the Department. No particulars are given as to the date on which the Circular had been uploaded in the official website nor a print copy thereof has been brought on record. As many as eight bidders had successfully submitted their bid documents in respect of Kurung Kumey District and it was only the petitioner who failed to submit the hard copies as per requirement. The grievance raised that the petitioner had been misled and denied the opportunity to participate as a competitive bidder by placing reliance on the undated Circular, do not inspire the confidence of this Court. On this short ground alone the writ petition does not merit consideration. No interference is warranted in respect of the order dated 14.06.16, issued under the hand of the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro. The writ petition being devoid of merits, stands accordingly dismissed, however, without any order as to cost. Interim order passed earlier stands vacated/recalled.

21. In view of the aforesaid discussions and findings, all the 3(three) writ petitions i.e. WP(C) 320(AP)/2016, WP(C) 321 (AP)/2016 and WP(C) 377(AP)/2016 stands dismissed.

22. Records made available by the State respondents are returned herewith.