
(2021) 07 GAU CK 0051

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3258 Of 2021

M/S Risha Infrastructure

APPELLANT

Vs

State Of Assam And 6 Ors

RESPONDENT

Date of Decision : 13-07-2021

Acts Referred:

Citation : (2021) 07 GAU CK 0051

Hon'ble Judges : Prasanta Kumar Deka, J

Bench : Single Bench

Advocate : H R A Choudhury

Final Decision : Disposed Of

Judgement

Heard Mr. F. U. Barbhuiya, the learned counsel for the petitioner.

The petitioner is aggrieved against the comparative statement in respect of the tender No. SFB/B/18(b)/Plantation/N.H. dated 11.01.2021 for

Roadside plantation (Avenue & Median) of National Highway at N.H 31(C) (New 27) Stretch- From KM 993 to 1003 AS 08 wherein there was

specific violation in respect of the guidelines directed to be followed in the tender dated 27th July, 2020 issued by the Principal Chief Conservator of

Forests & Head of Forest Force, Assam which is reproduced herein below:-

With approval of the PCCF & HoFF Assam, I am directed to issue following instruction for acceptance of quoted bids against any

tender:

1. Variation of the quoted price upto 5% (positive or negative) over the approved estimated cost may be allowed.

2. Variation of the quoted price/rate upto 10% (positive or negative) over the approved estimated cost may be allowed for peculiar

situations and in special circumstances. The reasons for allowing upto 10% (positive or negative) shall be placed on record by the officer

responsible for accepting the tenders/bids.

3. Tenders beyond 10% (positive or negative) over the approved estimated cost shall not be accepted.

Yours faithfully

Dr. Satyendra Singh, IFS

Chief Conservator of Forests &

Chief Executive Office, State CAMPA, Assam

Aranya Bhawan, Panjabari, Guwahati??.

As per the submission of Mr. Barbhuiya the proposed No. 1 bidder has been identified on the basis of the guidelines No. 2 thereby accepting the 10%

below estimated value being accepted without any reasons.

Mr. P. N. Goswami, the learned Additional Advocate General, Assam on the other hand pointed out that the said notification and the guidelines were

adopted from the PWD department in respect of civil works where before the issuance of the tender estimate of the total civil work various cost

components namely materials, labour components, transportation etc are required to give the total estimated value. It is further submitted that the

present tender which is the subject matter in this writ petition is not in respect of the civil work but relates to tree plantation by the side of the N.H. 31.

Having heard both the learned counsel, I am satisfied to issue notice. Mr. R. R. Gogoi, the learned Standing Counsel for the Forest Department

accepts notice on behalf of the respondent Nos. 1, 2, 3, 4, 5, 6. Necessary extra copies be served on the learned counsel for the respondents.

The petitioner shall take steps on the respondent No. 7 within a period of three days from today by way of registered post with A/D.

Mr. Barbhuiya sought for interim order thereby restraining the respondents from issuing any work order to the private respondent No. 7. On the other

hand, it is the contention of Mr. Goswami that work order had already been issued to the respondent No. 7 whereafter he had deposited the security

money.

Notices are made returnable on 23.07.2021.

Keeping in view the contention of the learned counsel and the issue involved in

this writ petition, on the next date an endeavor shall be made to dispose of this writ petition.

Till the next date, status quo in respect of contractual job shall be maintained as on today.