
(2021) 06 GAU CK 0075

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 2892 Of 2021

Trigyn Technologies Ltd

APPELLANT

Vs

State Of Assam And 5 Ors

RESPONDENT

Date of Decision : 14-06-2021

Acts Referred:

Citation : (2021) 06 GAU CK 0075

Hon'ble Judges : Suman Shyam, J

Bench : Single Bench

Advocate : B D Deka

Judgement

Heard Mr. K. N. Choudhury, learned senior counsel assisted by Mr. B. Deka, learned counsel for the petitioner. I have also heard Mr. D. Saikia,

learned Advocate General, Assam, assisted by Mr. S. Bora and Mr. B. Gogoi, learned counsel, appearing for the respective official respondents.

The basic grievance of the petitioner, as projected in the writ petition, is to the effect that the respondent authorities have improperly/arbitrarily

rejected the technical bid of the petitioner so as to extend undue favour to the private respondents. On such ground, a prayer has been made to set

aside the minutes of the meeting of the Technical Evaluation Committee and to re-assess the technical bid submitted by the petitioner before finalizing

the tender.

Taking note of the grievance expressed by the writ petitioner, this Court had passed an interim order dated 10/05/2021 restraining the authorities from

finalizing the Bid without the leave of the court. The interim order had thereafter been extended from time to time and is operating in this case till date.

Mr. Saikia, learned Advocate General, Assam submits that the contract had been

awarded to the respondent no. 6 on 26/03/2021 and the materials supplied by the said respondent in pursuance to the work order have already reached the departmental godowns at Guwahati. Mr Saikia has further submitted that the contract is for the benefit of a large number of school students by providing them the facility of digital classroom and in view of the fact that the contract was finalized well before the interim order dated 10/05/2021 was passed by this Court, the learned Advocate General prays for dismissal of the writ petition on the ground that there is no surviving cause in this case. The learned Advocate General also supported the decision of the Technical Evaluation Committee while arguing that the petitioner's bid was rejected on cogent parameters, which are not amenable to the writ jurisdiction of this court.

The said submission of the learned Advocate General, Assam has, however, been strenuously opposed by Mr. Choudhury, learned senior counsel for the petitioner, on the ground of complete non-transparency in the entire tender process .

After hearing the submissions of the learned counsel for both the sides, I am of the view that the matter would require further examination and the writ petition can be finally disposed of only after service of notice upon the remaining respondents. However, this Court cannot be unmindful of the fact that the project of setting up digital classrooms is for the benefit of large number of school students in Assam. Considering the present pandemic situation, the school students cannot be made to suffer due to delay in implementing the project on account of the ongoing legal battle between two tenderers. Therefore, the interim order dated 10-05-2021, in the opinion of this court, would call for modification.

Issue notice of motion returnable on 23/07/2021.

Since the respondent nos. 1, 2 and 3 are already represented by Mr. S. Bora and Mr. B. Gogoi, learned counsels, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel(s) within three days from today.

Petitioner to take steps for service of notice upon the respondent nos. 4, 5 and 6 by registered post with A/D as well as usual process.

Steps within three days from today.

The respondents may bring their stand on record by filing affidavit on or before the returnable date.

In view of the considerations made in the foregoing part of this order the interim order dated 10/05/2021, as extended subsequently, is hereby vacated.

The respondent authorities may go ahead with the distribution of the materials to the intended schools, as per the work order, for setting up the digital classrooms. It is, however, made clear that the respondent nos. 1, 2 and 3 shall not release any payment in favour of the successful bidder/ contractor till the returnable date.

List this case again on 23/07/2021.