
(2022) 08 MAN CK 0029
In the Manipur High Court
Case No : Writ Petition (C) No. 104 Of 2018

W. Pradipchandra Singh

APPELLANT

Vs

Union Of India & 2 Ors

RESPONDENT

Date of Decision : 12-08-2022

Acts Referred:

Citation : (2022) 08 MAN CK 0029

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : Th. Lupenjit, Kh. Samarjit

Final Decision : Dismissed

Judgement

Ahanthem Bimol Singh, J

[1] Heard Mr. Th. Lupenjit, learned counsel appearing for the petitioner and Mr. Kh. Samarjit, learned ASG appearing for the respondent.

The present writ petition had been filed seeking for the following reliefs :-

"(iii) Issue rule nisi calling upon respondents as why a writ in nature of certiorari for quashing and setting aside the Impugned Notice dated 04/12/2017 issued by the Respondent No. 3 (Joint Commissioner, Income Tax) (Annexure-A/8) or any other appropriate writ of the like nature directing the Respondents.

"(iv) issue an Order directing the independent and fair agency such as CBI to investigate regarding the Notice dated 14/12/2017 and work order and release of payment if any.

"(v) Issue a writ of mandamus or any other appropriate writ of the like nature directing the Respondent No. 3 to compensate the petitioner amounting to Rs. 38,000/- x 2 (vehicle) x 5 (months)=3,80,000/- (rupees three lakhs eighty thousand) only along with mental agony which the Hon'ble Court deems fit for the illegality done."

[2] The case of the petitioner is that the respondent initially issued an NIT dated 19.09.2017 inviting tenders bids from reputed firms, travel agents/existing service providers for hiring two vehicles for official use in the office of the Joint Commissioner, Income Tax, Range-Imphal. The petitioner having been eligible, submitted his bids in response to the said NIT and at the time of opening of the tender bids, the petitioner was found to be the sole eligible firm. However, the tender bids of the petitioner was subsequently cancelled by the authorities by issuing a notice dated 27.09.2017 and on the same date, the Joint Commissioner of Income Tax, Range-Imphal wrote a letter dated 27.09.2017 informing the petitioner about the cancellation of his tender bids and informing him that a fresh tender will be notified shortly through a website mentioned in the said letter.

[3] The case of the petitioner is that he was waiting in anticipation for issuance of the fresh NIT as informed by the Joint Commissioner of Income Tax, however, when no fresh NIT was issued, the petitioner went to the office of the Joint Commissioner of Income Tax, Range-Imphal and found that a fresh NIT dated 04.12.2017 had already been issued. Having been aggrieved, the petitioner approached this Court by filing the present writ petition assailing the said NIT basically on the ground that the tendering process was not done by the authorities through E-Tendering as informed to the petitioner earlier.

[4] Mr. Kh. Lupenjit, learned counsel vehemently submitted that the ground for cancellation of his tender bids was that the earlier NIT was not done through E-Tendering process, however, the authorities have not done the subsequent tendering process through E-Tendering process. Accordingly, it has been submitted that the action of the respondent is mala-fide and arbitrary and the same deserves to be quashed and set aside.

[5] Mr. Kh. Samarjit, learned ASG submitted that the impugned NIT had been issued for hiring two vehicles for a duration of two years only and after completing the due process, work order was issued to the eligible firm and the period of contract has already been over. Thereafter, the authorities have again issued another NIT for hiring vehicle for the same purpose and the duration of the said contract has already been completed. In that view of the matter, it has been submitted by the learned ASG that no cause survives for adjudication in the present writ petition and that the present writ petition has become infructuous.

[6] After hearing the learned appearing for the parties and on perusal of the record, this Court is of the considered view that by influx of time, no cause survives for adjudication of the present writ petition, inasmuch as, the period of the contract as stipulated under the impugned NIT had already been over and the contract work had already been carried out by another eligible contractor and accordingly, at this point of time, no effective relief can be granted to the present petitioner and there is no point in keeping the present writ petition pending.

[7] In the result, the present writ petition is hereby dismissed, however, there will be no order as to costs.