

GAHC010030852024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/62/2024

1. ALL ASSAM POLICE HOUSING CORPORATION CONTRACTOR
ASSOCIATION AND ANR,
HAVING ITS REGISTERED ADDRESS AT ASSAM POLICE HOUSING
CORPORATION LIMITED HEAD QUARTER, MADHABDEBPUR, P.O.
REHABARI, P.S. PALTAN BAZAR, GUWAHATI, KAMRUP (METRO), ASSAM,
PIN- 781008, REPRESENTED BY ITS SECRETARY, SRI SIMANTA JYOTI
BORUAH

2: SRI SIMANTA JYOTI BORUAH
SECRETARY OF ALL ASSAM POLICE HOUSING CORPORATION
CONTRACTORS ASSOCIATION
SON OF SRI TOSHEN BORUAH
RESIDENT OF A-201, SUBHAM ENCLAVE
LAKHIMINAGAR, HATIGAON ROAD
GUWAHATI, KAMRUP (M), ASSAM, PIN- 78103

VERSUS

1. THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR,
GUWAHATI- 781006, ASSAM

2:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
ASSAM SACHIVALAYA, DISPUR
GUWAHATI- 781006, ASSAM

3:THE ASSAM POLICE HOUSING CORPORATION LIMITED
MADHABDEBPUR
P.O. REHABARI, P.S. PALTAN BAZAR
GUWAHATI- 781008, ASSAM
REPRESENTED BY ITS CHAIRMAN

4:THE MANAGING DIRECTOR
ASSAM POLICE HOUSING CORPORATION LIMITED
MADHABDEBPUR
P.O. REHABARI, P.S. PALTAN BAZAR
GUWAHATI- 781008, ASSAM

5:THE CHIEF ENGINEER,
ASSAM POLICE HOUSING CORPORATION LIMITED
MADHABDEBPUR, P.O. REHABARI, P.S. PALTAN BAZAR
GUWAHATI- 781008, ASSAM

For the Appellant(s) : Mr. K.N. Choudhury, Senior Advocate assisted by
Mr. P. Bharadwaj, Advocate.

For the Respondent(s) : Mr. D.K. Sarma, Additional Senior Government Advocate
for respondent Nos.1 & 2.

: Mr. S. Bora and Mr. A. Ganguly, Advocates for respondent
Nos.3, 4 & 5.

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

22.02.2024

(Vijay Bishnoi, CJ)

This intra-Court appeal is filed by the appellants being aggrieved with the judgment dated 19.01.2024 passed by the learned Single Judge in WP(C) No.5944/2023, whereby the writ petition filed by the appellants challenging the additional qualification regarding the experience as mentioned in Clause 2.2.2.4 of the bid document issued by the Assam Police Housing Corporation Limited, has been dismissed.

Mr. K.N. Choudhury, learned Senior counsel appearing for the appellants has submitted that earlier the PWD Department has not insisted for the additional qualification regarding experience from the eligible contractors and later on, the

Assam Police Housing Corporation Limited has also issued an NIT wherein the condition of additional qualification regarding the experience on Engineering, Procurement and Construction (EPC) mode has not been incorporated.

Learned senior counsel for the appellants has also submitted that in view of the subsequent developments, the appellants want to withdraw this appeal with liberty to file a representation to the Assam Police Housing Corporation Limited with a prayer to relax the condition of experience on EPC mode in regard to the 4(four) packages for which no bid was filed by any contractor.

Mr. D.K. Sarma, learned Additional Senior Government Advocate, Assam appearing for the State and Mr. S. Bora, learned counsel appearing for the Assam State Housing Corporation Limited have no objection if, while granting permission to the appellants to withdraw the appeal, the said liberty is granted.

In view of above, this writ appeal is dismissed as withdrawn with liberty to the appellants to move appropriate representation with a prayer for relaxing the condition of additional criteria as mentioned in Clause 2.2.2.4 of the bid document in question in respect of the 4(four) packages wherein no bid was filed on behalf of any contractor.

It is expected that if any such representation is filed on behalf of the appellants, the Assam Police Housing Corporation Limited shall consider the same expeditiously and objectively.

JUDGE

CHIEF JUSTICE

Comparing Assistant