

WP(C) 5130/2009

BEFORE

THE HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. D. Das, the learned counsel for the petitioner as well as Ms. B. Bhuyan, the learned standing counsel Public Works Department for the respondents.

The grievance of the petitioner in the present petition is that though vide the second NIT dated 28.07.2009 the process for settlement of work against the package Nos.AS-01-93 and AS-24-44 has been initiated and the petitioner along with others participated in such tender process and though the petitioner was found to be L1, the authority has not passed any order of settlement and on the other hand is contemplating to cancel the said tender process as was done on earlier occasion also, without there being any reasonable justification for that purpose.

Ms. Bhuyan, the learned standing counsel Public Works Department appearing for the respondents on the basis of the written instruction has submitted that the authority is under active consideration of the process of settlement initiated vide NIT dated 28.07.2009 and is considering different aspects of the matter and has not yet taken any decision relating to the cancellation of such process, though it is under active consideration.

Ms. Bhuyan further submits that unless the decision is taken for cancellation of such tender process, there is no question of issuance of another tender process for settlement of the said work.

In view of the aforesaid submission, the present writ petition is disposed of with a direction to the respondent authorities to take a decision on the tender process initiated vide NIT dated 28.07.2009 and in case the authority decides to cancel such process, the said order shall be furnished to the tenderers including the petitioner who participate pursuant to such NIT dated 28.07.2009. In case any adverse decision is taken, it is open to the petitioner to approach this court.

The writ petition is disposed of. No cost.