

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.237/2020

Date of Order: 24.08.2020

Phransis Swer Vs. State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Biswanath Somadder, Chief Justice
Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. HL Shangreiso, Adv
For the Respondent(s) : Mr. A Kumar, Advocate General with
Mr. KP Bhattacharjee, GA

i) Whether approved for reporting in Law journals etc.: No

ii) Whether approved for publication in press: No

Court:-

Let the affidavit of service filed earlier in the Registry be formally taken on record.

Having heard the learned advocates for the parties and upon perusing the writ petition, it appears that the only issue which requires consideration in the facts and circumstances of the instant case is whether a decision in a tender process – to be taken by the concerned respondent-authority – can be held back for an indefinite period of time.

The pleadings reveal that the writ petitioner along with others participated in a tender process, which was initiated on 13th August, 2019, by the office of the Commissioner of Transport, Meghalaya, Shillong. In terms of the Notice Inviting Tender, sealed tenders were invited under a two bid system from the manufacturers/ contractors/ individuals/ firms

having such capacity for entering into the Rate Running Contract on PPP Mode for 3 (three) years in line with Clause III of the Meghalaya State Policy for Weighbridges, 2018, for construction of new 100 MT capacity pit less/ shallow pit Electronic Lorry Weighbridges with digitizer and printer including civil works for the weighbridge i.e., foundation, approach ramps/Roads and cabin etc., and also for Annual Maintenance of such lorry weighbridges to be set up within the vicinity of Ratacherra, East Jaintia Hills.

The writ petitioner has alleged that for several reasons this tendering process is yet to be concluded. We do not wish to get into the decision making process, at this stage. However, once a notice has been issued by the concerned respondent-authority inviting tender, the entire decision making process is required to be completed within a reasonable timeframe, unless, of course, the entire tender process itself is scrapped.

Considering the facts and circumstances of the instant case, we are of the view that the decision making process with regard to the tender-in-question is required to be completed within a reasonable timeframe. As such, we direct the concerned respondent-authority, namely, the Commissioner and Secretary to the Government of Meghalaya, Transport Department, Shillong, to ensure that the entire decision making process is completed by the Tender Committee, being the respondent No.5, as expeditiously as possible, preferably within a period of four weeks, but not later than six weeks from date of communication of a photostat certified copy of this order, upon adhering to all the norms as may be applicable in respect of the tender-in-question.

Since we are disposing of the writ petition without calling for affidavits, allegations made in the writ petition, if any, are deemed to be not admitted by any of the respondents.

Writ petition stands accordingly disposed of.

All connected petitions/applications stand disposed of accordingly.

(H.S. Thangkhiew)
Judge

(Biswanath Somadder)
Chief Justice

Meghalaya
24.08.2020
"*Lam* AR-PS"

