

Serial No. 02
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 454 of 2020

Date of Order: 16.12.2020

Shri. Aayush Jain Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. B.K.Sharma, Sr. Adv. with
Ms. U. Sharma, Adv.

For the Respondent(s) : Mr. A.Kumar, AG with
Ms. S.G.Momin, Addl. Sr. GA.

1. Heard Mr. B.K.Sharma, learned Sr. counsel for the petitioner and Mr. A. Kumar, learned AG for the respondents.
2. The petitioner approached this Court invoking Article 226 of the Constitution of India praying inter alia for setting aside and quashing of impugned Notice Inviting Tender bearing No. MED/CE-70/2014/330 dated 17-11-2020. Mr. B.K.Sharma, learned Sr. counsel invited my attention to the Notice Inviting Tender annexed at page 24 and submitted that the respondent No. 3 has invited tenders from interested individual/partnership firms/companies dealing in liquor trade from within the State of Meghalaya for operating a Central Bonded Warehouses for supply of IMFL/Beer/Wine/BIO etc. to all Bonded Warehouses located in the State of Meghalaya upto 4.30 p.m. of 17-12-2020. Learned Sr. counsel for the petitioner further submitted that the petitioner is interested in participating in the said tender process, however, he was not supplied the bid documents as he is from Assam and not from Meghalaya. He further submits that the condition in the Notice Inviting Tender that participant must be a resident of the State of Meghalaya is contrary to Article 14 and 19 of the Constitution of India and that said condition is also contrary to Clause 2 of Rule 44 introduced by the Meghalaya Bonded Warehouse (Amendment) Rules, 2020.

3. Mr. A.Kumar, learned AG having taken instruction from respondent No. 3 state that the petitioner has no experience in liquor trade. He concedes that the bid documents cannot be denied to any person who wants to participate in the impugned tender process. He, however, submits that if the participant does not fulfill the conditions of the tender, then his bid can be rejected. Learned AG, on instruction make a statement that in the event petitioner approaches respondent No. 3 during the course of the day, he will be given the bid documents on payment of the fees. Statement accepted.

4. In the light of the statement made by learned AG, in my considered opinion, the grievance of the petitioner made in this petition no more survives for consideration.

5. Mr. B.K.Sharma, learned Sr. counsel for the petitioner, however, state that the last date to submit the tender bid is tomorrow i.e. 17-12-2020 at 4.30 p.m. and petitioner maybe given some more time to submit the bid. I am not incline to accept this request inasmuch as petitioner has approached this Court at the fag end and there is no statement in the petition that earlier petitioner had approached respondent No. 3 but the bid documents was not supplied to him on the ground that petitioner is not a resident of Meghalaya. However, the respondents are at liberty to grant extension. It is however made clear that if the petitioner submits his bid tomorrow i.e. 17-12-2020 before 4.30- p.m. his bid will be accepted and considered along with the other participants in accordance with the terms and conditions of the Notice Inviting Tender.

5. Petition accordingly disposed of.

Judge

Meghalaya
16.12.2020
"Samantha PS"