

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**W.P. (C) No. 763 of 2025 with
MC(W.P. (C)) No. 707 of 2025**

Md Abdul Kashim @ Sanayaima

... Petitioner

- Versus -

State of Manipur and 2 Ors.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

26.09.2025

[1] Heard Mr. M. Devananda, learned sr. counsel assisted by Mr. Tomclisht Heigrujam, learned counsel on behalf of the petitioner and Mr. Th. Sukumar, learned GA on behalf of the State respondents no. 1, 2 & 3.

[2] The petitioner approached this Court being agreed by rejection of his 2(two) bids submitted in terms of NIT dated 18.07.2025 issued by Minor Irrigation Department, Govt. of Manipur with respect to construction of Mini Barrage at Kumbi Uyunghoubi and construction of MI Weir at Sekmai, Imphal West.

[3] The only ground for rejection in both bids submitted by the petitioner in pursuance of the NIT dated 18.07.2025 that the petitioner is not enlisted as 'Special Class Contractor' in M.I. Panel.

[4] The learned sr. counsel for the petitioner has drawn the attention of this Court to the O.M. dated 19.10.1990 issued by Secretary (Finance), Govt. of Manipur and also another O.M. dated 04.10.2008 issued by Principal Secretary (Finance), Govt. of Manipur regarding enlistment of panel of contractor for Engineering Departments. The O.M. of 1990 explains that the panel of contractor for Works Department will be applicable to other Engineering Department and

by O.M. dated 04.10.2008, the amount for different class of contractor has been earmarked in pursuance to the earlier O.M. of 1990.

[5] The learned sr. counsel for the petitioner submits that in terms of O.Ms. of 1990 and 2008, the bids of the petitioner cannot be rejected on the grounds that he is not in the panel of Minor Irrigation Department. It is also stated that vide order dated 19.07.2019 issued by Under Secretary (Works), Govt. of Manipur, the petitioner has been enlisted as 'Special Class Contractor' for the Works Department and will be treated as 'Special Class Contractor' for M.I. Department.

[6] Mr. Th. Sukumar, learned GA submits that the NIT prescribed one of the eligibility criteria as Special Class Contractor in M.I. Panel and the petitioner is only a first class contractor in M.I. Panel and in the circumstances, the bids of the petitioner were rejected in terms of Section 2, clause no. 3 of the General Instructions to Bidders (ITB) and the same is reproduced herein below:

"3. Eligible Bidders

3.1 This Invitation for Bids is open to all eligible bidders registered as "Special Class Contractor" in Minor Irrigation Department, Manipur.

3.2 Bidders shall not be under a declaration of ineligibility for corrupt and fraudulent practices by the Central Government, the State Government or any public undertaking, autonomous body, authority by whatever name called under the Central or the State Government."

[7] When the matter was taken up yesterday i.e. 25.09.2025, this Court enquired from the learned GA whether the terms of the NIT Clause 3 of the ITB about the eligibility of Special Class Contractor in M.I. Panel will overwrite the applicability of the O.Ms. dated 19.10.1990 and 04.10.2008, the learned GA prayed for 1(one) day time for taking instructions.

[8] Today, the learned GA for the State respondents submits that vide order dated 12.02.2018 the Minor Irrigation Department has also adopted the O.M. as mentioned earlier.

[9] It is also stated that other departments also their own panel and in the circumstances, the State respondents took the decision rejecting the bids of the petitioner on the ground he was not a Special Class Contractor in the M.I. Panel.

[10] This Court has perused the material on record and submissions made at the bar.

[11] On perusal of the O.M. dated 19.10.1990 issued by Secretary (Finance), Govt. of Manipur especially stipulate that the panel prepared by the Works Department, Govt. of Manipur will be applicable to all Engineering Department and the O.M. dated 04.10.2008, the financial limit of different types of Contractor have been revised.

[12] Reading together these 2(two) O.Ms. dated 19.10.1990 & 04.10.2008, it is cleared that the panel of the Works Department will be applicable to all Engineering Departments.

[13] The O.M. of 1990 especially excludes the Power Department and the Power Department may have own panel of contractor except for the Civil Construction. It is also admitted fact that Minor Irrigation Department is also a wing of Engineering Department and the panel of the Works Department will also be applicable to the M.I. Department whether or not the M.I. Department adopts the O.M. of 1990. Admittedly, the petitioner is a Special Class Contractor in Works Department panel and it is a first class contractor in M.I. Panel. Different Engineering Cells/ Departments having their own panel is not per se illegal and they may have their own panels.

[14] However, while considering the eligibility criteria of the bidders who are included in the panel of the Works Department, they cannot be rejected only on the ground that they are not in the panel of the concerned department and in the present case M.I. Department.

[15] In the circumstances, the impugned orders rejecting the technical bids of the petitioner are set aside on the limited ground that they are otherwise

eligible being in the panel of Special Class Contractor in Works Department panel in terms of the O.M. of 1990 and 2008. The respondents are directed to include the bids of the petitioner while considering the financial appreciation of the bids.

[16] This Court does not express any opinion about the eligibility and other experience of the petitioner for technical bids except for the non inclusion of the petitioner in the M.I. Panel. The State respondents are to take decisions as per the norms and applicable rules.

[17] With these observations, the present W.P. (C) No. 763 of 2025 is disposed of.

[18] The MC(W.P. (C)) No. 707 of 2025 is also disposed of accordingly.

[19] Furnish a copy of this order to the learned counsel appearing for the parties in the course of the day through Whatsapp or email.

[20] The interim order dated 25.09.2025 is merged with the final order.

[21] The State respondents may proceed with the scrutiny of the financial bids along with the bids of the petitioner herein.

JUDGE

Thoiba