

HIGH COURT OF SIKKIM

Record of proceedings

W.P. (C) No. 16 of 2021

NORDEN DORJEE SHANGDERPA

.... PETITIONER

VERSUS

THE EXECUTIVE ENGINEER, CPWD

.... RESPONDENT

Date: 03.11.2022

CORAM

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Petitioner : Mr. Jorgay Namka, Senior Advocate with
Mr. Simeon Subba and Ms. Adeshna Subba,
Advocates.

For Respondent : Ms. Sangita Pradhan, Deputy Solicitor General
of India assisted by Ms. Natasha Pradhan,
Advocate.

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The present writ petition has assailed the letter dated 02.11.2020 by which the petitioner was informed that his bid had been disqualified for the tender invited by the respondent. According to the respondent the bid of the lowest tenderer was accepted and work awarded to him on 07.11.2020. Affidavits have been exchanged between the parties. While it is the case of the petitioner that his tender was illegally rejected as he had the necessary qualification it is the case of the respondent that they were not satisfied that the petitioner had the necessary qualification and therefore, his bid was rightfully rejected. Mr. Jorgay Namka, learned Senior Counsel appearing for the petitioner fairly submits that since the tender has already been awarded, at this stage, all that he desires is that he ought not to be blacklisted as a contractor for any future works. In reply to the additional affidavit filed by the

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petitioner, the respondent has categorically stated that the action of the respondent in rejecting the petitioner's bid does not debar him from participating in any contract. The stand of the respondent in the affidavit dated 09.09.2022 is absolutely clear. The petitioner inspite of his bid having been rejected earlier is not debarred from participating in any future tenders that may be floated by the respondent. In that view of the matter nothing survives in the writ petition and it is disposed of on the clear undertaking by the respondent in the manner recorded above.

Judge

to/ **Index: yes/No**
Internet: yes/No