

GAHC040003642023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C) 52/2023

1:THE STATE OF AP and 2 Ors.

Represented by the Chief Secretary to the Government of Arunachal Pradesh,
Itanagar.

2: The Directorate of Horticulture

Govt. of Arunachal Pradesh. Itanagar.

3: The Deputy Director of Horticulture

Govt. of Arunachal Pradesh

Itanagar

VERSUS

1:M/s Yam Enterprises and 2 Ors.

Represented by its proprietor Shri Soma Yangfo,

S/o Late Tashang Yangfo,

Having its registered office at Polo Colony, Naharlagun, PO/PS Naharlagun,

Papumpare District, Arunachal Pradesh. Phone No. 9436259188

2:M/s Abo Taje Enterprises

Represented by its proprietor Shi Senia Phassang

S/o Late Taji Phassang

having its registered office at Polo Colony

Naharlagun

PO/PS Naharlagun

Papumpare District

Arunachal Pradesh.

3:M/s Kama Enterprises

Represented by its proprietor Shri Kama Bagang

S/o Shri Kacha Bagang
having its registered office at Polo Colony
Naharlagun
PO/PS Naharlagu
Papumpare District
Arunachal Pradesh

Advocate for the Petitioner : GA (AP)

Advocate for the Respondent : Marto Kato

Linked Case : WA 11/2023

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Represented by the Chief Secretary to the Govt. of Arunachal Pradesh
Itanagar.

2: The Director of Horticulture
Govt. of Arunachal Pradesh. Itanagar.

3: The Deputy Director of Horticulture
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Papumpare District
Arunachal Pradesh

Advocate for the Petitioner : GA (AP)
Advocate for the Respondent : Marto Kato

Linked Case : IA(C) 53/2023

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Itanagar.

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Govt. of Arunachal Pradesh. Itanagar.

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Papumpare District
Arunachal Pradesh

Advocate for the Petitioner : GA (AP)
Advocate for the Respondent : Marto Kato

**BEFORE
HONBLE THE CHIEF JUSTICE
HONBLE MR. JUSTICE ROBIN PHUKAN**

ORDER

05.06.2023

The instant writ appeal is preferred by the State of Arunachal Pradesh for assailing the order dated 26.06.2015, passed by the learned Single Judge in WP(C) 232(AP)/2015 and WP(C) 175 (AP)/2015. WP(C) 232(AP)/2015 was filed by the writ petitioners challenging the legality of the NIQ dated 30.04.2015 for supply of inputs to the Department of Horticulture against sanctioned programmes of CSS' "Mission for Integrated Development of Horticulture for the financial year 2014-2015" and WP(C) 175/2015 was preferred by three petitioner firms challenging the decision of the respondent authorities to debar the petitioner firms from participating in the process of selection of firms as per the Expression of Interest dated 30.04.2015. The writ petitions were allowed and the NIQ in question was found to be flawed in law and was thus interfered with and the appellant authorities were directed to issue fresh NIQ for execution of the CSS scheme.

The appeal was preferred way back in the year 2015, but it seems that no effective proceedings have been taken there upon during the last eight years.

I.A. (C) 53/2023 has been filed seeking stay upon the impugned judgment, whereas I.A. (C) 52/2023 has been filed seeking condonation of the delay occasioned in filing of the writ appeal. However, till date not even notices have been served on

the respondent firms.

In view of the above facts, we are of the opinion that as the order passed by the learned Single Bench interfering with the NIQ and quashing the same has lasted for eight years without any stay or interference, it can be assumed that by now fresh NIQ must have been issued. In any event, the total lack of effort to prosecute this appeal clearly indicates that the State has no interest in the continuance thereof. Hence, the instant appeal as well as the Interlocutory Applications are dismissed for non-prosecution and also because cause of action no longer survives.

JUDGE

CHIEF JUSTICE

Comparing Assistant