

GAHC040004352023



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

**Case No. : WP(C) 168/2023**

1:Nabam Tama  
S/o Lt. Nabam Tam.  
Proprietor of M/s Changtum Bute Enterprise,  
Resident of G Extension Naharlagun, PO/PS Naharlagun, District Papum Pare,  
Arunachal Pradesh, Mobile No. 9436017111

VERSUS

1:the Commissioner (IMC) and 3 Ors.  
Itanagar Municipal Corporation, Itanagar, Govt. of Arunachal Pradesh.

2:The Secretary Urban Local Bodies Govt. of Arunachal Pradesh Itanagar.

3:The Mayor Itanagar Municipal Corporation Itanagar.

4:M/s Kakum Enterprises Represented by its Proprietor Smti. Yanang Bengia  
Opposite Govt. Middle School D Sector Itanagar District Papum Pare  
Arunachal Pradesh

**Advocate for the Petitioner :** Chorpok Modi  
Uttam Deka  
Amit Saring  
Bomyom Ori  
M Tunar  
Maji Dui  
Nabam Chatum  
Tame Rimi

**Advocate for the Respondent :** GA (AP)

**BEFORE  
HONBLE MR. JUSTICE NANI TAGIA**

**ORDER**

**Date : 30.03.2023**

Heard Mr. Chorpok Modi, learned counsel for the petitioner. Also heard Mr. Subu Tapin, learned Senior Government Advocate, appearing on behalf of respondent No. 2.

Though this writ petition has been filed by the petitioner with as many as 7(seven) prayers but the primary grievance of the petitioner as contended by Mr. Modi, learned counsel for the petitioner; appears to be the adoption of the resolution as regards Agenda No. 4 in the 6<sup>th</sup> Business Meeting of the Itanagar Municipal Corporation(IMC), Itanagar, dated 30.11.2021, recorded under the signature of the Mayor, Itanagar Municipal Corporation(IMC), Itanagar, vide Memo. No. IMC/HM/ITA-05/2021-22/10603-19, whereby, it has been resolved that the CPWD Manual of 2014 and 2019 and the Arunachal Pradesh District Based Entrepreneurs and Professionals (Incentives, Development & Promotional) Act, 2015, for work order upto Rs. 50 Lakhs and manual tender for work order above Rs. 50 Lakhs and a single tender enquiry as per the GFR 2005, have been adopted by the Itanagar Municipal Corporation (IMC), Itanagar, for procurement of the components.

In addition thereto, the work order for upto Rs. 50 Lakhs and tender for above Rs. 50 Lakhs, have been resolved to be “worked amidst Corporators”.

The petitioner is also aggrieved by the 11<sup>th</sup> Business Meeting held under the Chairmanship of the Mayor, Itanagar Municipal Corporation(IMC), Itanagar, on 29.07.2022, recorded under the signature of the Mayor, Itanagar Municipal Corporation(IMC), Itanagar, dated 30.07.2022, vide Memo. No. IMC/ESTT-453/2021-

22/1823-35, whereby, the modalities adopted for the works/schemes under the 14<sup>th</sup> FC Grant as resolved in the 6<sup>th</sup> Business Meeting of the Itanagar Municipal Corporation(IMC), Itanagar, have been resolved to be followed for implementation of the works/schemes under the 15<sup>th</sup> FC Grant.

According to Mr. Modi, learned counsel for the petitioner, the works that have been sanctioned under the 14<sup>th</sup> and 15<sup>th</sup> FC are all centrally sponsored schemes and the works which are centrally sponsored, have been excluded from awarding it by way of work order by the Arunachal Pradesh District Based Entrepreneurs and Professionals (Incentives, Development & Promotional)(Amendment) Act, 2020.

Accordingly, Mr. Modi, learned counsel, submits that the Itanagar Municipal Corporation(IMC), Itanagar, cannot issue work order(s) for the works/schemes that has been sanctioned by the 14<sup>th</sup> and 15<sup>th</sup> FC. He, therefore, contends that all the works/schemes sanctioned under the 14<sup>th</sup> and 15<sup>th</sup> FC has to be put to a tender and the same cannot be awarded to the Corporators as has been resolved in the 6<sup>th</sup> Business Meeting of the Itanagar Municipal Corporation(IMC), Itanagar.

It appears that the petitioner is found to have not submitted any representation to the competent authority highlighting the aforesaid grievance and have approached the Court by filing this writ petition.

In view of the above, I hereby deem it appropriate to dispose of the writ petition with a liberty granted to the petitioner to submit a representation highlighting the grievances as projected in the instant writ petition before the competent authority which, in the instant case, would be the Commissioner, Itanagar Municipal Corporation (IMC), Itanagar.

Accordingly, this writ petition is hereby disposed of at the motion stage itself with a liberty to the petitioner to submit a representation incorporating his grievance to the Commissioner, Itanagar Municipal Corporation(IMC), Itanagar.

As and when such a representation is submitted by the petitioner before the competent authority; the Commissioner, Itanagar Municipal Corporation(IMC), Itanagar, shall look into it and dispose of the same by passing an appropriate order within a period of 3(three) weeks from the date of submission of the representation by the petitioner along with a certified copy of this order. The order passed by the Commissioner, Itanagar Municipal Corporation(IMC), Itanagar, pursuant to a representation submitted by the petitioner shall also be communicated to the petitioner, without fail.

The writ petition stands disposed of in terms above.

**JUDGE**

**Comparing Assistant**