

GAHC040005452023



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

Case No. : IA(C) 71/2023

1:M/s Pasighat Smart City Development Corporation
District East Siang, Arunachal Pradesh, having its registered Office at JAYPEE
Complex, Agam Colony, Mirku Dapi Tinali, High Region, Pasighat 791102, East
Siang, Arunachal Pradesh,
Represented by its Town Planner,
Shri Tani Taloh,
S/o Taye Taloh,
R/o PSCDCL Office, Jaypee Smart City Campus, Agam Colony, Pasighat 791102,
East Siang, Arunachal Pradesh.

VERSUS

1:M/s Oishy Enterprise and 2 Ors
Represented by its Proprietor Shri Angkin Lego,
S/o Shri Nganpin Lego, R/o Village Yapgo, Pasighat, PO/PS Pasighat, East Siang
District, Arunachal Pradesh.

2:THE STATE OF AP
Represented by the Secretary
Town Planning and Urban Local Bodies
Civil Secretariat
Itanagar
Arunachal Pradesh.

3:The Deputy Commissioner cum Chairperson
Pasighat Smart City Development Corporation
District East Siang
Arunachal Pradesh

Advocate for the Petitioner : N Khera

Advocate for the Respondent : GA (AP)

Linked Case : WP(C) 58/2023

1:M/s Oishy Enterprise
Represented by its Proprietor Shri Angkin Lego

S/o Shri Ngangin Lego

R/o Village Yagpo
Pasighat
PO/PS Pasighat
East Siang District
Arunachal Pradesh.
Cont. No 919436807127

VERSUS

1:THE STATE OF AP and 2 Ors.
Represented by the Secretary
Town Planning and Urban Local Bodies
Civil Secretariat
Itanagar
Arunachal Pradesh.

2:The Deputy Commissioner cum Chairperson
Pasighat Smart City Development Corporation
District East Siang
Arunachal Pradesh.

3:The Chief Executive Officer
Pasighat Smart City Development Corporation
District East Siang
Arunachal Pradesh.

Advocate for the Petitioner : Adam Tatak
Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE S.K.MEDHI**

ORDER

Date : 16.05.2023

Heard Shri N Khera, learned counsel for the applicant, who, by means of this interlocutory application, has prayed for modification/vacation/alteration of the interim order dated 07.02.2023 passed in WP(C)/58(AP)/2023.

It is submitted that this Court, while issuing notice vide the order dated 07.02.2023, had passed an interim order. However, a bare perusal of the aforesaid order dated 07.02.2023 would reflect that no restraint was imposed upon the applicant which is a respondent in the writ petition. For ready reference, the operative part of the aforesaid order dated 07.02.2023 is extracted hereinbelow:

"Finalization of the NIE-T dated 30.01.2023, issued by the Chief Executive Officer, Pasighat Smart City Development Corporation LRFP vide File No. PSCDCL/EOI/2022-23/01 and work awarded pursuant thereto shall be subject to further order(s) that may be passed in this writ petition."

Also heard Shri T Gyatso, learned counsel for the opposite party/writ petitioner, who, however, submits that his senior Shri A Tatak, learned counsel is unwell. The learned counsel for the opposite party/writ petitioner, however, fairly submits that there is no restraint as such and accordingly, the interlocutory

application is not even maintainable.

On a reading of the aforesaid order dated 07.02.2023, this Court is also of the opinion that no restraint has been imposed on the applicant/respondent.

Under these circumstances, Shri Khera, learned counsel for the opposite party/writ petitioner wishes to withdraw this interlocutory application.

The interlocutory application is, accordingly closed on withdrawal.

JUDGE

Comparing Assistant