

GAHC010072022023



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

Case No. : WP(C)/1928/2023

RADIANT SKILLS AND ENVIRONMENTAL SOLUTIONS PVT. LTD.,
HAVING ITS OFFICE AT HOUSE NO. 39, HARIMANDIR PATH, MATHURA
NAGAR, GUWAHATI-781006, KAMRUP(M), ASSAM, REPRESENTED BY ITS
CHIEF MANAGING DIRECTOR SRI ASHOK BARUAH, S/O- PROMOD CH.
BARUAH.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
URBAN DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DIRECTOR

MUNICIPAL ADMINISTRATION
ASSAM MISSION DIRECTOR
SBM (U)
ASSAM
DISPUR
GUWAHATI-6.

3:THE CHAIRMAN
TEZPUR MUNICIPALITY BOARD
TEZPUR
SONITPUR
ASSAM

4:THE EXECUTIVE OFFICER
TEZPUR MUNICIPALITY BOARD
TEZPUR
SONITPUR
ASSAM

5:THE DEPUTY COMMISSIONER
SONITPUR DISTRICT
TEZPUR
ASSA

Advocate for the Petitioner : MR R K DUTTA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

04.04.2023

Heard Mr. U.J. Saikia, learned counsel for the petitioner, who submits that in pursuant to a Notice Inviting Tender (NIT) dated 03.08.2015 for running the Solid Waste Management Plant in Tezpur town, the petitioner submitted his bid. The petitioner being found to be the successful tenderer, an agreement dated 15.12.2015 was executed between the petitioner and the respondent no.3 for collecting waste from various houses in Tezpur and managing the Solid Waste Management Plant for a period of 20 years.

2. The petitioner's counsel submits that a modification to the agreement dated 15.12.2015 was made by way of an agreement executed on 01.06.2016, which was registered on 25.01.2017 between the same parties. As per the new agreement, the lease period for door to door collection of garbage and running of the Solid Waste Management Plant was reduced from 20 years to 5 years w.e.f. 01.06.2016 to 01.05.2021. In the latter Agreement, another clause was inserted wherein the latter agreement could be renewed between the parties.

3. The petitioner's counsel submits that on expiry of the 5 year period, the contract between the parties was renewed for a further period of one year, from 01.05.2021 to 01.05.2022. He submits that subsequent to 01.05.2022, the petitioner has been allowed to continue with door to door collection of garbage of household/shops/commercial establishment, along with other persons/firms. Though the petitioner is to run the Solid Waste Management, the same has been close for repairing.

4. The petitioner's grievance is that respondents have distributed the work of door to door collection of garbage within Tezpur town between many firms and individuals, which also includes the petitioner. He submits that a few wards in Tezpur town have been allocated to the petitioner for collection of garbage. The petitioner's counsels submits that in the normal scheme of things, a fresh NIT should have been issued by the respondents, to select the successful tender for collection of garbage and to run the Solid Waste Management Plant. The petitioner being aggrieved by the present arrangement being undertaken by the respondent no.3, in distributing the work of collection of garbage to different firms and individuals, the petitioner had written a representation dated 27.04.2022 to the respondent no.3. He submits that the said representation has not been disposed off till date. He further submits that this writ petition can be disposed off, if a direction is issued to the respondent no.3 to take a decision on the petitioner's representation dated 27.04.2022 and communicate the decision made to the petitioner.

5. Mr. M. Chetia, learned counsel for the respondent nos.1, 2 & 5 submits

that he has got no objection to the prayer made by the petitioner's counsel. He however submits that as the contract between the petitioner and the respondents has already expired, nothing remains in this writ petition.

6. On hearing the learned counsels for the parties, it is clear that the contract period between the petitioner and the respondents has already expired. However, the petitioner has been allowed to collect garbage in terms of the letter dated 07.12.2022 issued by the respondent no.3. As such, this Court is of the view that the petitioner's representation dated 27.04.2022 should be examined and decided by the respondent no.3, within a period of one month from the date of receipt of a copy of this order. The decision taken by the respondent no.3 should be communicated to the petitioner.

7. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant