

GAHC020006102023



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

Case No. : I.A.(Civil)/138/2023

NAGALAND CONTRACTORS AND SUPPLIERS UNION AND ANR
REPRESENTED BY ITS VICE PRESIDENT SRI HOSHITO ASSUMI
S/O VEHATO ASSUMI
R/O PANCHAYAT LOWER CHANDMARI COLONY
KOHIMA NAGALAND

VERSUS

THE STATE OF NAGALAN AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND
KOHIMA

Advocate for : LIMAWAPANG
Advocate for : GOVT. ADV. NL appearing for THE STATE OF NAGALAN AND 4
ORS

**BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 20.11.2023

Heard Mr. J. Sheqi, learned counsel for the applicants; Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. A. Zho & Mr. R.M. Deka, learned counsel for the opposite parties-writ petitioners; Mr. W.R. Ngullie, learned Central Government Counsel [CGC] for the opposite party no. 5; and Mr. T.B. Jamir, learned counsel appearing for the opposite parties-State respondents.

2. The instant application has been preferred by 10 [ten] applicants jointly seeking their impleadment as party-respondents in the connected writ petition, W.P.[C] no. 247/2023.

3. Mr. Sheqi, learned counsel for the applicants has submitted that the connected writ petition has been preferred assailing two Notice Inviting Tenders [NITs], dated 25.08.2023 & dated 13.10.2023, published by the Chief Engineer, PWD [R&B] & Empowered Officer, NGRDA, Nagaland for construction of a number of road projects in the State of Nagaland. The applicants are Class-I contractors under the PWD, Nagaland and they have participated in the tender processes initiated by the said two NITs. He has further submitted that the opposite parties-writ petitioners have preferred the connected writ petition, W.P.[C] no. 247/2023 challenging certain clauses of the two NITs and seeking for fresh tender processes. Mr. Sheqi has, thus, submitted that presence of the applicants as party-respondents in the connected writ petition is necessary as the outcome of the writ petition will have a vital bearing on the tenders the applicants have already submitted.

4. Mr. Choudhury, learned Senior Counsel appearing for the opposite parties-writ petitioners has submitted that the opposite parties-writ petitioners have no objection as regards the prayer for impleadment of the applicants as party-respondents in the connected writ petition, W.P.[C] no. 247/2023.

5. Mr. Jamir & Mr. Ngullie, learned counsel representing the State respondents and the Central respondents have also submitted in similar lines, like Mr. Choudhury, learned Senior Counsel for the opposite parties-writ petitioners.

6. Having regard to the facts that the applicants have already participated in the tender processes initiated by the two NITs, dated 25.08.2023 & dated 13.10.2023, and a challenge has been made to the said two NITs in connected writ petition, W.P.[C] no. 247/2023, the applicants are found to be necessary

parties as the outcome of the writ petition will have a bearing on the tenders the applicants have already submitted. As such, their prayer for impleadment as party-respondents nos. 6 – 15 is allowed.

7. The office to cause necessary correction in the cause-title of the connected writ petition, W.P.[C] no. 247/2023 as well as in the CIS by impleading the applicants herein as the party-respondent nos. 6 – 15 and to list the connected writ petition, W.P.[C] no. 247/2023 on 11.12.2023.

Sd/-

JUDGE

Comparing Assistant