

GAHC040001162024



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

Case No. : Arb.A./1/2024

The State of AP and 6 Ors
represented by the Secretary, PWD, Govt of AP, Itanagar 791111

2: The Commissiioenr

Age:

Occupation :

3: The Chief Engineer

Age:

Occupation :

4: The Superintending Engineer

Age:

Occupation :

5: The Executive Engineer

Age:

Occupation :

6: The Assistant Engineer

Age:

Occupation

VERSUS

M/s Kurung Kumey Enterprises and Anr
camp Mowb-II, Itanagar, PO Itanagar, Papumpare District, AP

2:Rido Tablu
Age: 0
Occupation

Advocate for the Petitioner : Addl.Sr.Govt.Advocate

Advocate for the Respondent : Parswajyoti Das Nair

**BEFORE
HONBLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 12.02.2024

Heard Mr. N. Ratan, learned Addl. Advocate General for the appellant and Mr. D. Mazumdar, learned Sr. counsel for the respondents.

The present appeal has been filed under Section-37 of the Arbitration and Conciliation Act, 1996 against the order dated 04/12/2023 and 17/01/2024 passed by the learned District Judge Aalo in Case No. Basar Misc. Arbitn.-01/2023 (M/s Kurung Kumey Enterprise & Shri. Rido Tablu -Vs- State of Arunachal Pradesh & Ors.),

The Basar Misc. Arbitn.-01/2023 was filed under section 9 of the Arbitration & Conciliation Act, 1996 with a prayer for stay of the Notice Inviting Tender (NIT) dated 09/10/2023 issued by the Executive Engineer, Daporijo Division, PWD, Arunachal Pradesh, Daporijo, for construction of District Secretariat at Daporijo in Upper Subansiri District (Phase-II).

By the order dated 04/12/2023, the learned District Judge Aalo granted the interim order staying the NIT dated 09/10/2023 issued by the Executive Engineer, PWD, Daporijo, for construction of District Secretariat at Daporijo in Upper Subansiri District (Phase-II) till the

next date of hearing of the case. Thereafter, by the order dated 17/01/2024, the interim order dated 04/12/2023 was extended till the next date of listing the case.

It is the order dated 04/12/2023 and 17/01/2024 passed by the learned District Judge, Aalo, Arunachal Pradesh, which is under challenged in the present appeal.

Mr. N. Ratan, learned Addl. Advocate General submits that there is an urgency in the matter and therefore, the present appeal may be heard and disposed.

Mr. D. Mazumdar, learned Sr. counsel on the other hand submits that the pleadings between the parties have been exchanged in the trial court and the matter is ripe for hearing and therefore, a direction may be issued to the learned trial court for expeditious disposal of the Basar Miss Arbitn. Case No. 01/2023 which is pending disposal before the learned District Judge Aalo.

Considering the submissions made by the learned counsel for the parties and considering that the subject matter involves public interest, this Court consider it appropriate to give a direction to the learned trial court for early disposal of the Basar Misc Arbitn. Case No. 01/2023 which is pending disposal before the learned District Judge Aalo.

The learned District Judge, Aalo, is accordingly directed to dispose the Basar Misc Arbitn. -01/2023 at an early date but not later than 3(three) weeks from the date of passing of this order.

The appeal accordingly stands disposed.

JUDGE

Comparing Assistant