

GAHC040009632024



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

Case No. : WP(C)/304/2024

B4B IT Solutions Private Limited
represented by Mr Suresh Prasad Singh, CEO and MD, Temporary Address at 0, DK
Hostel, NH152A main road, C Sector, Itanagar, Papumpare District, Arunachal
Pradesh 791111 having its registered office at HD-108, SY 130P and 1115/1P,
Nanakramguda Road, Manikonda Jagir, Hyderabad, Ranga Reddy, Telangana 500032

VERSUS

The State of AP and 4 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar 2:The
Principal Secretary
Age: 0
Occupation :
Department of Health and Family Welfare
Block II Civil Secretariat
Itanagar
Arunachal Pradesh 791111

3:The Secretary
Age: 0
Occupation :
Department of Health and Family Welfare
Room No.5
5th Floor
Block 4
Civil Secretariat
Itanagar
Arunachal Pradesh

4:The Misson Director
Age: 0
Occupation :

National Health Mission
Govt of Arunachal Pradesh
C Sector
Naharlagun 791110

5:M/s Kenge Construction Co
Age: 0
Occupation :
represented by Mr Ha Tatu
registered office at ESS Sector
PO and PS Itanagar
Papumpare District
Arunachal Pradesh 7911

Advocate for the Petitioner : Gotu Riba, Pramod Kr. Gour,G Basar,Licha Teni,T Don,Himat
Richo,Tsangpa Tsering

Advocate for the Respondent : GA (AP), SC (Health and Family),Taba Tagum

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 22-10-2024

Heard Mr. MD Vaseeuddin, learned counsel for the petitioner along with Mr. T. Tagum, learned Standing counsel for the Health Department.

2. The learned counsel for the petitioner submits that the instant writ petition is filed for the reason that the petitioner and the private respondent No. 5 had made an agreement to operate a joint account by M/s Kenge Construction Company (respondent No. 5) and B4B IT SOLUTION PRIVATE LIMITED, wherein both the petitioner and the respondent No. 5 deal with IT Software and Infrastructure products and services. The petitioner and respondent No. 5 had then entered GEM tender dated 03.02.2022 for 'Selection of System for implementation of iHMIS – Arunachal Pradesh' called by the National Rural Health Mission, Arunachal Pradesh. The petitioner and respondent No. 5 successfully bid for tender and was awarded the Bid dated

03.02.2022. In the agreement, the petitioner's Company has a stakeholding of 49%, while the respondent No. 5 has 51%. Thereafter, the Mission Director, National Health Mission, Naharlagun credited the funds amounting to Rs. 60.14 crores into the account of respondent No. 5, which is not as per the agreement dated 22.02.2022 executed by the petitioner and respondents, whereby the said amount was to be credited to the joint account of both the petitioner and respondent No. 5. The learned counsel for the petitioner also submits that with regards to the deposit of the said amount into the account of respondent No. 5, the petitioner has filed a money suit before the Senior Civil Judge, Yupia in Money Suit No. 40/2024.

3. The learned counsel for the petitioner submits that the instant writ petition is with regards to the apprehension that any future deposit of the remaining amount of approximately Rs. 42 crores would again be made into the account of the respondent No. 5, which is not as per the agreement dated 25th February, 2022 executed between the petitioner and the respondents. The learned counsel for the petitioner further submits that the petitioner had been making representations to the respondents, informing them that in terms of the said agreement, no money with regards to the contract should be deposited into the account of respondent No. 5. However, receiving no response, they have filed the instant writ petition.

4. Mr. T. Tagum, learned Standing counsel for respondent Nos. 1 to 4 submits that the reason why the said amount of Rs. Rs. 60.14 crores was deposited into the account of the respondent No. 5, was due to the fact that there was no GST registration in respect of the Joint adventure made between M/s Kenge Construction Company (respondent No. 5) and B4B IT SOLUTION PRIVATE LIMITED (petitioner) and there is also no Pan Card issued. Because of this, there was a problem in processing the bill into the joint account of the petitioner and the respondent No. 5 and thus, the respondent Nos. 1 to 4 had deposited the said amount into the account

of the respondent No. 5, being the partner of the petitioner.

5. Having heard the submissions made by the learned counsels for both the parties, this Court finds that the instant writ petition can be disposed of, with a direction that the respondent Nos. 1 to 4 should consider the representations made by the petitioner and the petitioner along with the respondent No. 5 should also address the difficulty faced by the respondent Nos. 1 to 4 to comply with the said agreement dated 25th February, 2022. Necessary steps are to be taken by both the parties within a period of 30 days from the date of receiving a certified copy of the said order.

6. Accordingly, WP(C) No. 304/2024 stands disposed of as above.

JUDGE

Comparing Assistant