



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

Case No. : WP(C)/398/2024

M/s Hills Trading Company
having its office at Golden Market, Daporijo, PO and PS Daporijo, Upper Subansiri
District, Arunachal Pradesh represented by its authorized person Shri Taka Nacho,
Son of Shri Tanam Nacho, resident of Jibaying Village, PO and PS Nacho, Upper
Subansiri District, Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors
represented by the Commissioner, Rural works Department, Govt of Arunachal
Pradesh, Civil Secretariat, Itanagar. 2:The Chief Engineer
Age: 0
Occupation :
Rural Works Department
Govt of Arunachal Pradesh
Itanagar.

3:The Superintending Engineer
Age: 0
Occupation :
Rural Works Department
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

4:The Executive Engineer
Age: 0

Occupation :
Rural Works Department
Daporijo
Upper Subansiri District
Arunachal Pradesh

Advocate for the Petitioner : Marto Kato, R. Riba, Mepe Ete, M Tanga, Nyali Sora

Advocate for the Respondent : Gimi Tarak, SC (RWD)

-BEFORE-
HON'BLE MR. JUSTICE KARDAK ETE
ORDER (ORAL)

10.09.2024

Heard Mr. M. Kato, learned counsel for the petitioner and Mr. G. Tarak, learned Standing counsel for the RWD representing all the respondents.

2. Having regard to the nature of the prayer made by the petitioner and the statement made by the learned Standing counsel for the RWD Department, on instruction, before this Court, I deemed it appropriate to dispose of this writ petition at the motion stage itself.

3. By filing this writ petition, the petitioner has prayed for a direction to the respondent authorities, more particularly, the respondent No. 4 (the Executive Engineer), RWD, Daporijo Division to issue a fresh NIT in respect of the work for construction of BRTF road to Jibaying village in Upper Subansiri District, Daporijo.

4. It is noticed that in earlier round of the proceedings being WP (C) 145 (AP) 2024 and WP (C) 282 (AP) 2024, 2 firms, namely, M/s Y. Ringling Enterprises and M/s T. D. Enterprises had approached this Court claiming for providing reasonable time to participate in the tender process in the NIT for construction of road for 9 packages. Therefore, had prayed for issuance of fresh NIT by providing reasonable time so as to enable them to participate in the tender. The respondents' in the above writ petitions, had submitted that fresh tender will be issued and the petitioner may take part in the tendering process. Accordingly, the above 2 (two) writ petitions were disposed of with a liberty to file a fresh petition, if no such NIT is floated in the first writ petition and the other writ petition was withdrawn.

5. Mr. M. Kato, learned counsel for the petitioner submits that despite such statement and assurance by the respondent authorities in the earlier proceedings, the respondents have floated only 6 packages out of total 7 packages. Therefore, he submits that the respondents are deserve to be directed to float the remaining 1 package as the sanction has already been accorded for the said work as that of the other 6 (six) works, for which NIT has already been floated.

6. Mr. G. Tarak, learned Standing counsel for the RWD, on instructions, submits that due to administrative reasons, 1 package out of 7 packages could not be put to tender. However, he submits that NIT will be issued in due course of time as soon as the administrative issues are resolved.

7. Having considered the submissions of the learned counsel for the parties and particularly the categorical statement of the learned Standing counsel for the respondents, I am of the considered view that no issue is survived to be adjudicated upon. Accordingly, this writ petition stands closed.

8. Needless to observed that the respondent authorities shall issue NIT in respect of the package in question, namely, construction of road from BRTF road to Jibaying village in Upper Subansiri District, Daporijo after the resolution of the administrative issues, which are being faced by the respondents.

9. Writ petition stands closed and disposed of.

JUDGE

Comparing Assistant