

GAHC040015272024



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

Case No. : WP(C)/522/2024

M/s CR Enterprise
Koloriang Market, House No. 09, Koloriang, PO and PS Kurung Kumey, District
Kurung Kumey, Arunachal Pradesh 791118 represented by its power of Attorney
holder Shri Chera Tagin, Son of Late Chera Tale, resident of Village Rengchi, Po and
PS Koloriang, Kurung Kumey District, Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors
represented by the Secretary, Department of Rural Development, Govt of Arunachal
Pradesh, Itanagar 791111

2:The Director
Age: 0
Occupation :
Department of Rural Development
Govt of Arunachal Pradesh
Itanagar

3:The Joint Director
Age: 0
Occupation :
Department of Rural Development
Govt of Arunachal Pradesh
Itanagar.

4:The Project Director
Age: 0
Occupation :
District Rural Development Agency
Kurung Kumey District

Koloriang 79111

Advocate for the Petitioner : Taja Garam, Byabang Mema

Advocate for the Respondent : Binter Picha, Khoda Yubey, Lod Asha, Tasso Dodung, Jambey
Tsering, R Barman, Sumit Chhetri, T Lampung, Khoda Tama, SC (RD)

Linked Case : WP(C)/535/2024

M/s J G Enterprise

Age: 0

Occupation :

Address: Nyapin

PO and PS Nyapin

Kurung Kumey District

Arunachal Pradesh 791118 represented by its power of attorney holder Smti Tadar
Yadum

Wife of Tadar Tadey

resident of Nyapin

Po and PS Nyapin

Kurung Kumey District

Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors

Age: 0

Occupation :

Address: represented by the Secretary

Department of Rural Development

Govt of Arunachal Pradesh

Itanagar. 791111

2: The Director

Age: 0

Occupation :

Address: Department of Rural Development

Govt of Arunachal Pradesh

Itanagar

3: The Joint Director

Age: 0

Occupation :

Address:Department of Rural Development
Govt of Arunachal Pradesh
Itanagar.

4:The Project Director

Age: 0

Occupation :

Address:District Rural Development Agency
Kurung Kumey District
Koloriang 791118

Advocate for : Taja Garam

Advocate for : Binter Picha appearing for The State of AP and 3 Ors: Advocate ,

Linked Case : WP(C)/529/2024

M/s C R Enterprsie

Age: 0

Occupation :

Address:Koloriang Market
House No. 09

Koloriang

PO and PS Kurung Kumey

District Kurung Kumey

Arunachal Pradesh 791118 represented by its power of Attorney holder Shri Chera
Tagin

Son of Late Chera Tale

resident of Village Rengchi

Po and PS Koloriang

Kurung Kumey District

Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors

Age: 0

Occupation :

Address:represented by the Secretary

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Govt of Arunachal Pradesh

Itanagar 791111

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Age: 0

Occupation :

Address:Department of Rural Development

Govt of Arunachal Pradesh

Itanagar

3:The Joint Director

Age: 0

Occupation :

Address:Department of Rural Development
Govt of Arunachal Pradesh
Itanagar.

4:The Project Director

Age: 0

Occupation :

Address:District Rural Development Agency
Kurung Kumey District
Koloriang 791118

Advocate for : Taja Garam

Advocate for : Binter Picha appearing for The State of AP and 3 Ors: Advocate ,

Linked Case : WP(C)/534/2024

M/s Atu Taru Enterprises

Age: 0

Occupation :

Address:Langnag Village
PO and PS Parsi Parlo
Kurung Kumey District
Arunachal Pradesh 791118 represented by its authorized person Shri Bamang Losik
Son of Shri Bamang Tasuk
resident of Upper Nyapin
PO and PS Nyapin
Kurung Kumey District
Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors

Age: 0

Occupation :

Address:represented by the Secretary
Department of Rural Development
Govt of Arunachal Pradesh
Itanagar 791111

2:The Director

Age: 0
Occupation :
Address:Department of Rural Development
Govt of Arunachal Pradesh
Itanagar

3:The Joint Director
Age: 0
Occupation :
Address:Department of Rural Development
Govt of Arunachal Pradesh
Itanagar.

4:The Project Director
Age: 0
Occupation :
Address:District Rural Development Agency
Kurung Kumey District
Koloriang 791118

Advocate for : Taja Garam
Advocate for : Binter Picha appearing for The State of AP and 3 Ors: Advocate ,

Linked Case : WP(C)/532/2024

M/s N K Enterprise
Age: 0
Occupation :
Address:Keya Village
PO and PS Koloriang
Kurung Kumey District
Arunachal Pradesh 791118 represented by its power of Attorney holder Shri Pisa Taro
Son of Pisa Langlang
resident of Lee Village
PO Sarli
PS Koloriang
Kurung Kumey District
Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors
Age: 0
Occupation :
Address:represented by the Secretary

Department of Rural Development
Govt of Arunachal Pradesh
Itanagar 791111
2:The Director
Age: 0
Occupation :
Address:Department of Rural Development
Govt of Arunachal Pradesh
Itanagar

3:The Joint Director
Age: 0
Occupation :
Address:Department of Rural Development
Govt of Arunachal Pradesh
Itanagar.

4:The Project Director
Age: 0
Occupation :
Address:District Rural Development Agency
Kurung Kumey District
Koloriang 791118

Advocate for : Taja Garam
Advocate for : Binter Picha appearing for The State of AP and 3 Ors: Advocate ,

Linked Case : WP(C)/531/2024

M/s N K Enterprise
Age: 0
Occupation :
Address:Keya Village
PO and PS Koloriang
Kurung Kumey District
Arunachal Pradesh 791118 represented by its power of Attorney holder Shri Pisa Taro
Son of Pisa Langlang
resident of Lee Village
PO Sarli
PS Koloriang
Kurung Kumey District
Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors

Age: 0

Occupation :

Address:represented by the Secretary

Department of Rural Development

Govt of Arunachal Pradesh

Itanagar 791111

2:The Director

Age: 0

Occupation :

Address:Department of Rural Development

Govt of Arunachal Pradesh

Itanagar

3:The Joint Director

Age: 0

Occupation :

Address:Department of Rural Development

Govt of Arunachal Pradesh

Itanagar.

4:The Project Director

Age: 0

Occupation :

Address:District Rural Development Agency

Kurung Kumey District

Koloriang 791118

Advocate for : Taja Garam

Advocate for : Binter Picha appearing for The State of AP and 3 Ors: Advocate ,

Linked Case : WP(C)/530/2024

M/s Pacho Enterprises

Age: 0

Occupation :

Address:Langnag Village

Po and PS Parsi Parlo

Kurung Kumey District

Arunachal Pradesh 791118 represented by its proprietor Shri Bamang Pacho

Son of Shri Bamang Tabang

resident of Village Langbang

PO and PS Parsi Pralo

Kurung Kumey District

Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors

Age: 0

Occupation :

Address:represented by the Secretary

Department of Rural Development

Govt of Arunachal Pradesh

Itanagar 791111

2:The Director

Age: 0

Occupation :

Address:Department of Rural Development

Govt of Arunachal Pradesh

Itanagar

3:The Joint Director

Age: 0

Occupation :

Address:Department of Rural Development

Govt of Arunachal Pradesh

Itanagar.

4:The Project Director

Age: 0

Occupation :

Address:District Rural Development Agency

Kurung Kumey District

Koloriang 791118

Advocate for : Taja Garam

Advocate for : Binter Picha appearing for The State of AP and 3 Ors: Advocate ,

Linked Case : WP(C)/533/2024

M/s B K K S Enterprise

Age: 0

Occupation :

Address:Village Pating

PO and PS Sangram

District Kurung Kumey

Arunachal Pradesh 791118 represented by its power of Attorney holder Shri Bamang Rama

son of Bamang Kalik
resident of Sangram
PO and PS Sangram
Kurung Kumey District
Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors

Age: 0

Occupation :

Address:represented by the Secretary

Department of Rural Development

Govt of Arunachal Pradesh

Itanagar. 791111

2:The Director

Age: 0

Occupation :

Address:Department of Rural Development

Govt of Arunachal Pradesh

Itanagar

3:The Joint Director

Age: 0

Occupation :

Address:Department of Rural Development

Govt of Arunachal Pradesh

Itanagar.

4:The Project Director

Age: 0

Occupation :

Address:District Rural Development Agency

Kurung Kumey District

Koloriang 791118

Advocate for : Taja Garam

Advocate for : Binter Picha appearing for The State of AP and 3 Ors: Advocate ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 11-12-2024

Heard Mr. D. Mozumdar, learned Senior Counsel assisted by Mr. T. Garam, learned counsel for the petitioners and Mr. B. Picha, learned Standing Counsel for the Rural Development Department.

2. By this common order, it is proposed to dispose of all the eight writ petitions, as the issue raised in this series of writ petitions is same and the respondents are also same, though the petitioners are different in same petitions.

3. Mr. Mozumdar, learned Senior Counsel appearing for the petitioners submits that the respondent authorities had issued one NIT on 11.08.2023, for Supply and Procurement of materials under MGNREGA 2023-24, in respect of different CD Blocks, under Kurung Kumey district, Arunachal Pradesh and the petitioners are successful bidder for the said supply and package of materials. Thereafter, respective contract agreement was executed between the petitioners and the respondent authorities and supply order was also issued to them. Mr. Mozumdar further submits that as per terms of the agreement, the supply of materials was to be completed within a period of six months. But, on account of three factors, *firstly*, collapse of bridge and consequent road blockage due to torrential rain in Kurung Kumey district; *secondly*, one writ petition, being W.P.(C) No. 50(AP)/2024, was filed before this court, challenging the work order, wherein, vide order 05.02.2024, this court had stayed the work order from 05.02.2024 – 13.04.2024; and *thirdly*, on account of imposition of Model Code of Conduct in Arunachal Pradesh due to Lok Sabha Election and Assembly Election, the petitioners could not complete the work in time.

3.1. Mr. Mozumdar further submits that the petitioners have almost completed their supply works and only few materials are there to be supplied and if the earlier agreement is extended by fifteen days, then the petitioner would be able to accomplish the same.

3.2. Mr. Mozumdar also submits that the petitioners have filed one representation to the respondent authorities to extend the time, but they refused to extend the same and instead, the respondent authorities had invited a fresh tender and issued a fresh NIT on 29.10.2024, and such action of the respondent authorities is illegal as well as arbitrary and unreasonable. Therefore, Mr. Mozumdar has contended to allow these petitions by directing the respondent authorities to extend the period, if agreeable by the respondents, by one month and within which, the petitioners will complete the work.

4. On the other hand, Mr. Picha, learned Standing Counsel for the Rural Development Department submits that the respondent authorities have agreed to extend the time for fifteen days and within the said period the petitioners have to complete the supply work.

5. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petitions as well as the documents placed on record.

6. It appears that the contract period was six months from the date of signing the agreement. But, admittedly the work could not be completed in time, for which the respondent authorities have floated a new NIT on 29.10.2024. It also appears from the record that the petitioners are awarded the supply works for the block and packages, which as shown as under:-

Sl. No.	Name of the petitioner	Block	Package
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1. WP(C)/522/2024	M/s C.R. Enterprise	CD Block	IX
2. WP(C)/529/2024	M/s C.R. Enterprise	CD Block	VI
3. WP(C)/530/2024	M/s Pacho Enterprises	CD Block	I
4. WP(C)/531/2024	M/s N.K. Enterprise	CD Block	IV
5. WP(C)/532/2024	M/s N.K. Enterprise	CD Block	V
6. WP(C)/533/2024	M/s B.K.K.S. Enterprise	CD Block	III
7. WP(C)/534/2024	M/s Atu Taru Enterprise	CD Block	I
8. WP(C)/535/2024	M/s J.G. Enterprise	CD Block	II

7. It is not in dispute that there was a collapse of bridge and consequent road blockage on account of torrential rain in Kurung Kumey district, Arunachal Pradesh. It is also not in dispute that due to Lok Sabha Election and Assembly Election the Model Code of Conduct was in force in Arunachal Pradesh. And also one writ petition, being W.P.(C) No. 50(AP)/2024 was pending before this court, wherein the work orders were stayed. These are undisputed facts and because of these reasons, the petitioners could not complete the work in time and therefore, the petitioners deserves some concessions.

8. Having considered the aforementioned facts and circumstances and also considering the submissions of learned counsel for both the parties and as agreed upon, this court is inclined to dispose of this series of writ petitions, by directing the respondent authorities to rescind the fresh NIT dated 29.10.2024, and to extend the agreement period, by another 30 (thirty) days from the date of receipt of a certified copy of this order.

9. The petitioners are directed to obtain a certified copy of this order and to place the same before the respondent authorities within a period of 2 (two) working days from today. On receipt of which, the respondent authorities shall extend the agreement period by 30 (thirty) days.

10. In terms of above, this series of writ petitions stands disposed of, at the motion stage itself.

JUDGE

Comparing Assistant