

GAHC010182952022



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

Case No. : WP(C)/5937/2022

M/S KANIKA ELECTRICAL WORKS
A PROPRIETOR ENTITY AT NEAR M.E.S. COLONY, P.O.-KUMBHIGRAM AIR
PORT, DIST- CACHAR, ASSAM, PIN-788109 TO BE PRESENTED BY
PROPRIETOR- KISHORE HORE, AGED ABOUT 55 YEARS, S/O LT. KISHITISH
RANJAN HORE, R/O VILL- NEAR M.E.S. COLONY KUMBHIGRAM, DIST-
CACHAR, ASSAM

VERSUS

HEADQUARTERS CHIEF ENGINEER (AF) SHILLONG ZONE AND 2 ORS.
EASTERN AIR COMMAND, NONGLYER UPPER SHILLONG, EAST KHASI
HILL, PIN-793009

2:HEADQUARTERS COMMANDER WORKS ENGINEER (AF)
MILITARY ENGINEER SERVICES BORJHAR
P.O.-AIRPORT BORJHAR
GUWAHATI-7810115

3:ASSTT. COMMANDER WORKS ENGINEER (AF)
MILITARY ENGINEER SERVICES BORJHAR
P.O.-AIRPORT BORJHAR
DIST- KAMRUP (M)
GUWAHATI-781011

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

04.03.2024

1. Heard Mr. L. R. Mazumdar, learned counsel for the petitioner. Also heard Mr. S. K. Medhi, learned CGC representing the respondents.
2. The petitioner is aggrieved by an order dated 27.04.2020, by means of which, he was removed from the list of approved contractors under the respondents.
3. The impugned order dated 27.04.2020 reflects that the petitioner was asked to submit certain documents by 31.08.2019 and he failed to submit such documents. Accordingly, the petitioner was removed from the approved list of contractors with immediate effect.
4. The impugned order further reflects that the petitioner was given a liberty to file a representation against the order of removal to the CE (AF), Shillong Zone within one month from the date of impugned letter dated 27.04.2020.
5. Mr. S. K. Medhi, learned CGC submits that pursuant to said communication, the petitioner has preferred a representation on 24.09.2020 and same is being considered by the CE (AF), Shillong Zone, though there are some delay in preferring such representation. Accordingly, he submits that the matter may be relegated to the authority to decide the representation of the petitioner inasmuch as the petitioner has opted for the remedy prescribed in the impugned communication dated 27.04.2020.
6. Mr. L. R. Mazumdar, learned counsel for the petitioner submits that the petitioner will have no grievance at this stage, if the representation filed by the petitioner is considered on merit and disposed of.

7. In view of the aforesaid consensus, this writ petition stands disposed of with the following directions:-
 - I. The CE (AF), Shillong Zone, shall dispose of the representation preferred by the petitioner dated 24.09.2020 by a speaking order.
 - II. Such exercise be carried out within a period of six weeks from the date of receipt of certified copy of this order by the CE (AF), Shillong Zone to be furnished by the petitioner.
8. While parting with the record, it is made clear that this Court has not entered into the merit of the claim either of the petitioner or the respondents.
9. This writ petition stands disposed of.

JUDGE

Comparing Assistant