

GAHC010223892023



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

Case No. : Review.Pet./34/2024

SAILEN KUMAR SHARMA
S/O MANIRAM SHARMA RESIDENT OF TANGLA, PO TANGLA, PS TANGLA,
DIST UDALGURI, BTR, 784521

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, WATER RESOURCE DEPARTMENT, DISPUR GUWAHATI 06

2: THE CHIEF ENGINEER

WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI 03
DIST KAMRUP M ASSAM

3: THE TECHNICAL EVALUATION COMMITTEE

REPRESENTED BY ITS CHAIRMAN

4: M/S MINAKSHI ENTERPRISE TORNADO ASSOCIATES JV

REPRESENTED BY ITS PROPRIETOR
SRI KHAGEN DEKA
RESIDENT OF JOONALI
ZOO ROAD
GUWAHATI 781024
KAMRUP M ASSAM

5: SRI BHABA KANTA NATH
RESIDENT OF SURABHI PATH

KAHILIPARA
GUWAHATI
781019.KAMRUP M ASSA

Advocate for the petitioner(s): Ms. M Sharma

Advocate for the respondent(s): Mr. C Sarma
Standing counsel
Water Resources Department
Government of Assam.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

23.04.2024

This is an application seeking review of the judgment and order dated 02.06.2023 passed in WP(C)No.3025/2021. The ground for review which has been taken is that the counsel for the review petitioner could not make the necessary submissions in the matter as he was absent. This Court has duly taken note of that the matter pertained to a contract for construction of a sluice gate at Pandunath Mandir to check backflow of the river Brahmaputra.

2. Pursuant to the tender being issued and the rejection of the bid of the petitioner, a writ petition was filed and vide the order dated 11.06.2021, an interim order was passed directing to maintain status quo as regards the execution of the work in respect to the construction of sluice gate at Pandunath

Mandir area to check backflow of the river Brahmaputra under Guwahati East W.R. Division. Thereupon, the interim order was extended from time to time.

3. It is, however, seen that on 16.12.2021 when the writ petition was listed, this Court directed the matter to be listed on 04.01.2022 and the interim order passed earlier was directed to be continued till the next date. However, on 04.01.2022, the interim order was not further extended. Thereupon, the matter was listed on 30.05.2023, wherein the learned counsel had duly appeared on behalf of the petitioner and on that day, the counsel appearing on behalf of the petitioner sought for an accommodation so that he can take appropriate instructions from his client and this Court fixed the matter on 31.05.2023. The record further reveals that on 31.05.2023, 01.06.2023 as well as on 02.06.2023, the counsel for the petitioner did not appear, although the said matter was duly listed showing the names of the counsels for the petitioner.

4. This Court further taking into account the materials on record had passed the judgment and order on 02.06.2023. Under such circumstances, in the opinion of this Court, the question of there being an error apparent on the face of the records or there being a sufficient cause to seek review of the judgment does not appear in the instant proceedings.

5. This Court further finds it very relevant to observe that pursuant to the judgment and order passed on 02.06.2023, the said work pertaining to the construction of the sluice gate at Pandunath Mandir to check backflow of the river Brahmaputra commenced and today when the matter was taken up, Mr. C Sarma, the learned counsel appearing on behalf of the Water Resources

Department submitted that as on 22.04.2024, the physical progress of the work is 80%.

6. Considering the above, this Court is of the opinion that this is not a fit case for review of the judgment and order dated 02.06.2023, for the grounds and reasons stated hereinabove, including the fact that already 80% of the work had been completed.

7. The learned counsel appearing for the review petitioner further failed to show any other grounds. Accordingly, the instant review petition stands dismissed.

JUDGE

Comparing Assistant