

GAHC010262532023



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

Case No. : WA/436/2023

BACCHU DUTTA
S/O LT. PRAMULYA CHANDRA DUTTA R/O VILL. MALUGRAM DEVI
PRASAD SCHOOL ROAD P.O. SILCHAR P.S SILCHAR DIST. CACHAR ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
INLAND WATER TRANSPORT DEPTT. DISPUR GUWAHATI 6

2:THE DIRECTOR
INLAND WATER TRANSPORT ASSAM ULUBARI GUWAHATI 781007

3:THE EXECUTIVE ENGINEER
INLAND WATER TRANSPORT DIVISION CHANDMARI TARAPUR P.O.
SILCHAR DIST. CACHAR ASSAM

4:THE DEPATRMENTAL TENDER COMMITTEE
INLAND WATER TRANSPORT DEPTT. HEADED BY THE DIRECTOR
INLAND WATER TRANSPORT ASSAM ULUBARI GUWAHATI 781007

5:FAKHAR UDDIN BARBHUIYA
S/O LT. HARUN RASHID BARBHUIYA R/O GOSSAIPUR PART III
UDHARBAND DIST. CACHAR ASSAM PIN 78803

For petitioner/appellant(s) : Mr. J. I. Borbhuiya, Advocate
For respondent(s) : Ms. M.D. Borah, SC, Transport
Mr. P. Mahanta, Advocate
Ms. V. Khakhlyar, Advoca

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

06.03.2024

(Vijay Bishnoi, CJ)

Heard the learned counsel appearing for the parties.

This intra-court appeal is preferred by the appellant being aggrieved with the judgment dated 09.11.2023, passed by the learned Single Judge, whereby, while deciding four writ petitions, the learned Single Judge has dismissed WP(C) 305/2023, WP(C) 835/2023 and WP(C) 1606/2023 preferred by the appellant, however, has disposed of WP(C) 8323/2023 preferred by the respondent No. 5 herein with the observation that the tendering authority would at liberty to proceed and to bring the process of settlement in respect of the two ferry services, namely, (i) Jatinga Ferry Service and (ii) Rajnagar Ferry Service to logical conclusions within an outer limit of two weeks.

It is noticed that a Co-ordinate Bench of this Court, while issuing notice vide the order dated 30.11.2023, has directed the parties to maintain *status quo* and the said *status quo* order is still in currency. On the strength of the said *status quo* order, the appellant is operating the two ferry services in question till date.

It is informed that the term of contract for operating the above-referred two ferry services is going to expire on 31.03.2024. It is also informed that a new tender for issuing licence to operate the above-referred two ferry services has already been floated, in which the appellant as well as the respondent No. 5 have also participated.

In view of the above facts and circumstances, particularly, that the term of the

contract for operating the ferry services is going to expire on 31.03.2023 and a new tender has already been floated, wherein the appellant as well as the respondent No. 5 have also participated, we are not interfering with the impugned judgment passed by the learned Single Judge.

However, it is made clear that the respondent State authorities are required to complete the tender process pursuant to the NIT dated 07.02.2024 in respect of the above-referred two ferry services positively by 31.03.2024, with further direction that no further extension for operating the said two ferry services will be granted to the appellant after 31.03.2024.

The appeal is disposed of with the above observations and directions.

JUDGE

CHIEF JUSTICE

Comparing Assistant