

GAHC010274332024



2024:GAU-AS:13065

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

**Case No. : WP(C)/6913/2024**

GARG BROTHERS AND ANR  
A PARTNERSHIP FIRM REGISTERED UNDER THE PROVISION OF THE  
INDIAN PARTNERSHIP ACT, 1932 REP. BY ONE OF ITS PARTNER SRI  
RAMESHH KUMAR GARG, RAJ TOWER, 4TH FLOOR, FLAT NO. 5,  
OPPOSITE BLOOD BANK, DIST. TINSUKIA, ASSAM, PIN-786125.

VERSUS

THE UNION OF INDIA AND ORS  
REP, BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF  
DEFENCE, SOUTH BLOCK, RAISINA HILLS, NEW DELHI, PIN-110001.

2:THE CHIEF ENGINEER  
HEAD QUARTER (AIR FORCE)  
SHILLONG ZONE  
MILITARY ENGINEER SERVICE  
ELEPHANT FALLS CAMP  
P/O. NONGIYER  
SHILLONG  
MEGHALAYA  
PIN-793009.

3:THE GARRISON ENGINEER  
AIR FORCE  
MOHANBARI  
DIBRIGARH  
PIN-786012

4:THE ADDITIONAL DIRECTOR GENERAL (NORTH EAST INDIA)  
NARENGI  
GUWAHATI

5:THE GARRISON ENGINEER  
DINJAN  
P/O. PANITOLA  
DIST. DIBRUGARH  
ASSAM  
PIN-786189

6:THE COMMANDER WORKS ENGINEER  
DINJAN  
P/O. PANITOLA  
DIST. DIBRUGARH  
ASSAM  
PIN-78618

**For the petitioner (s) : Mr. K. N. Choudhury, Sr. Advocate**

Mr. N. Gautam, Advocate

<sup>Sr.</sup>

For the respondent (s) : Mr. S.S. Roy, Dy. SGI

BEFORE  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**  
O R D E R

20.12.2024

Heard Mr. K. N. Choudhury, the learned senior counsel assisted by Mr. N. Gautam, the learned counsel for the petitioners. Mr. S. S. Roy, the learned counsel appears on behalf of the respondent Nos.1 to 6.

2. The instant writ petition has been filed by the petitioners being aggrieved by the remark put in the Work Load Return of the contractors for the quarter ending June, 2024 by the respondents as "slow progress".

3. Mr. K. N. Choudhury, the learned senior counsel appearing on behalf of the petitioners submitted that the remark so put is totally arbitrary taking into account that there was no fault of the petitioners for the slow progress. The learned senior counsel drew the attention of this Court to the tender conditions which stipulated that the structural steel has to be obtained from a particular source and the petitioners thereupon have represented before the authorities concerned that the particular source as mentioned in the said tender conditions had either no stock or were not interested in supplying such small quantity. The petitioners therefore had requested the respondent authorities to pass appropriate direction for giving alternative source for the structural steel. The learned senior counsel for the petitioners submitted that as it is not the fault of the petitioners, the remark of "slow progress" requires to be interfered with.

4. Mr. S.S. Roy the learned counsel appearing on behalf of the respondent Nos.1 to 6 submitted on instructions that although in Work Load Return for the quarter ending June, 2024 against the petitioner No.1 it was mentioned as "slow progress", however, subsequently taking into account the representation so submitted by the petitioners in the Work Load Return of the contractors for the quarter ending September, 2024, the remark 'slow progress' has been removed. In that regard, Mr. S.S. Roy

the learned counsel appearing on behalf of the respondent Nos.1 to 6 has placed before this Court the Work Load Return of contractors for the quarter ending September, 2024.

5. The said instruction is kept on record and marked with the letter "X".

6. Taking into account that for the Work Load Return of contractors for quarter ending September, 2024, the remark of "slow progress" is no longer there, nothing further remains in the instant writ petition for which the writ petition stands closed.

7. Before parting with the record, this Court further finds it relevant to observe and direct the concerned respondent authorities to duly consider the grievances of the petitioners pertaining to non-availability of the structural steel and do the needful so that the petitioner could complete the work at the earliest.

**JUDGE**

**Comparing Assistant**