



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

Case No. : I.A.(Civil)/119/2024

THE UNION OF INDIA AND 2 ORS
REPRESENTYED BY THE SECRETARY
MINISTRY OF ROAD, TRANSPORT AND HIGHWAYS
NEW DELHI-1100012: THE MANAGING DIRECTOR
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED (NHIDCL)
3RD FLOOR
PTI BUILDING
4-PARLIAMENT STREET
NEW DELHI

3: THE GENERAL MANAGER
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED (NHIDCL)
PROJECT MONITORING UNIT- DIMAPUR
1ST FLOOR H/NO.-63 (A)
NST COLONY
BEHIND CITY TOWER
DIMAPUR NAGALAN

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEFSECRETARY
GOVT. OF NAGALAND
NAGALAND KOHIMA 2:THE DEPUTY COMMISSIONER
KOHIMA NAGALAND

3:THE SUB-DIVISIONAL OFFICER (CIVIL)
SECU ZUBZA
KOHIMA NAGALAND

4:SHRI THEJAO SEKHOSSE
S/O LATE KEDUOKIETUO SEKHOSSE PERMAMEMNT ADDRESS- KENUOZOU

COLONY
NORTH BLOCK
WARD-3
T.KHEL
KOHIMA VILLAGE PRESENT ADDRESS- TSURU COLONY
SECU ZUBZA
KOHIMA NAGALAND

5:M/S GAYATRI PROJECTS LIMITED
B1
6-301090
TSR
SOMAJIGUDA
HYDERABAD-50008

Advocate for the Petitioner : SENTIYANGER

Advocate for the Respondent : GOVT ADV NL

Linked Case : WP(C)/94/2022

SHRI. THEJAO SEKHOSE
S/O LATE KEDUOKIETUO SEKHOSE
PERMAMEMNT ADDRESS- KENUOZOU COLONY
NORTH BLOCK
WARD-3
T.KHEL
KOHIMA VILLAGE

PRESENT ADDRESS- TSURU COLONY
SECU ZUBZA
KOHIMA NAGALAND

VERSUS

UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY
MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS
NEW DELHI- 110001

2:THE MANAGING DIRECTOR
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED(NHIDCL)
3RD FLOOR
PTI BUILDING

4-PARLIAMENT STREET
NEW DELHI
3:THE GENERAL MANAGER
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION
LIMITED (NHIDCL) PROJECT MONITORING UNIT- DIMAPUR
1ST FLOOR
H/NO-63 (A)
NST COLONY
BEHIND CITY TOWER
DIMAPUR NAGALAND
4:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND
KOHIMA NAGALAND
5:THE DEPUTY COMMISSIONER
KOHIMA NAGALAND
6:THE SUB-DIVISIONAL OFFICER (CIVIL)
SECU ZUBZA
KOHIMA NAGALAND

Advocate for : KEKHRIENGULIE

Advocate for : CGSC appearing for UNION OF INDIA AND 5 ORS

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO

ORDER

22.08.2024

Heard Mr. Sentianger, learned counsel for the applicants/NHIDCL who submits that by filing this application the applicant seeks permission to implead M/S Gayatri Projects Ltd. who in fact was the first contractor to execute the road construction at the relevant time along the stretch of road in Tsuru Colony, Secu Zubza, under Kohima district. The learned counsel submits that impleadment of the contractor is necessary for ascertaining the actual position while the work was being executed at the relevant time.

Mr. Kekhriengulie, learned counsel for the petitioner on the

other hand submits that since the NHIDCL is the Principal and responsible for what has been done by the agent there is no requirement for impleadment of M/S Gayatri Projects Ltd. particularly when the contract agreement has already been terminated since long time back. The learned counsel further submits that in fact as many as 3 (three) verifications has been done with the participation of all the stake holders in the aegis of Deputy Commissioner, Kohima, and therefore, the matter may be taken up for final Hearing without impleading M/S Gayatri Projects Ltd.

Mr. Imti Imsong, learned Additional A.G., Nagaland, submits that he was given 2 (two) weeks' time to file the Verification Report dated 20.02.2024, in the main case but due to personal difficulties he could not file the same and he prays for further one week's time to file the same. He also submits that a verification was also conducted on 12.07.2023, and therefore, it appears that there are all together 4 (four) verifications conducted including the last one conducted on 20.02.2024.

On considering the submissions made by the learned counsel for the parties and on perusal of the materials available on record, this Court is of the view that impleadment of M/S Gayatri Projects Ltd. may not be necessary in view of the fact that the NHIDCL as the Principal for the road construction work had all along participated in all the verifications conducted so far. Accordingly, the impleadment application stands rejected.

Sd/-
JUDGE

Comparing Assistant