



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 297 of 2025

Date of Decision: 13.08.2025

M/s Merlin Consultancy
Having its office at DSM-144, First Floor, DLF Tower,
Shivaji Marg, New Delhi-110015, represented herein by its partner,
Shri Ajit Jaiswal,
S/o Shri Brij Bihari Jaiswal,
R/o 27-28 Duple Story, 3rd Floor, Near Big Apple,
New Rajinder Nagar, Central Delhi,
Delhi-110060.

.... **Petitioner(s)**

Versus

1. State of Meghalaya represented by its
Secretary Department of Fisheries,
Government of Meghalaya,
Shillong-793003.

2. The Director of Fisheries,
Directorate of Fisheries, Government of Meghalaya,
Fish Dale Farm, Cleve Colony,
Shillong-793003.

..... **Respondent(s)**

3. Union of India represented by its
Secretary to the Government of India,
Ministry of Fisheries, Animal Husbandry and
Dairying Department of Fisheries, Chanderlok Building,
1st Floor, 36 Janpat, New Delhi

.... **Proforma Respondent(s)**



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. K. Paul, Sr. Adv. with
Mr. S. Chanda, Adv.

For the Respondent(s) : Mr. A.S. Dey, GA (For R 1&2)
Dr. N. Mozika, DSGI with
Ms. M. Myrchiang, Adv. (For R 3)

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. K. Paul, learned Senior counsel assisted by Mr. S. Chanda, learned counsel for the petitioner.

2. Also heard Mr. A.S. Dey, learned GA for the respondents Nos. 1 & 2 and Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel for the respondent No. 3.

3. The grievance of the writ petitioner as projected, is with the non-payment of dues amounting to Rs. 2,65,50,000/- (Rupees Two Crores Sixty-Five Lakhs Fifty Thousand) only, by the State



respondents which is stated to be on account of preparing a Detailed Project Report (DPR) for a project known as Meghalaya Oceanarium, at the Fish Dale Farm (Fishery Complex).

4. Mr. A.S. Dey, learned GA for the respondents Nos. 1 & 2, at the outset however, has raised a question of maintainability of the writ petition on the ground that the matter is in the realm of private law and does not warrant any interference by this Court in exercise of the powers under Article-226 of the Constitution. He further submits that the writ petition is also premature, in view of the fact that State respondents are still awaiting further instructions with regard to the change in the scope and design of the project. He therefore, prays that the matter be closed at this stage itself.

5. Mr. K. Paul, learned Senior counsel assisted by Mr. S. Chanda, learned counsel for the petitioner has submitted that the petitioner in response to the Expression of Interest (EOI) dated 29.11.2021, for consultation/preparation of DPR for Re-Development of Fish Dale Farm (Fishery Complex), had bid for the same and on its acceptance thereof, the work order was issued in its favour on 18.07.2022. Though no formal agreement was signed, he submits the petitioner had commenced the works, and as required had submitted a



DPR. He further submits that for reasons unknown, except that there was an alteration in the scope of the work, the dues have not been cleared, which has prompted the petitioner to approach this Court by this application under Article 226 of the Constitution.

6. On hearing the submissions of the learned counsel for the parties and on examination of the materials as placed, it appears that the matter is in the nature of a commercial dispute, and even in the absence of an agreement, perhaps the remedy would lie before an alternate forum. It is also noted from the materials on record that the project in question, is in the stage of restructuring of the DPR, and also, that it is not a case of the petitioner being ousted from the project itself. However, it appears that as there has been a request from the Ministry of Fisheries, Animal Husbandry and Dairying Department that the State respondents submit a restructured proposal in accordance with the CSS-Pradhan Mantri Matsya Sampada Yojana guidelines, the project has been held up.

7. In the considered view of this Court, without going into the merits of the case, no order, or any adjudication is deemed necessary at this stage, only that the State respondents, are expected to proceed



accordingly as per the directions contained in the letter dated 09.01.2023, issued by the said Ministry.

8. With the above noted observations, the matter stands closed and is accordingly disposed of.

JUDGE

Meghalaya
13.08.2025
"V. Lyndem-PS"