GAHC010166042020

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

Case No. : WP(C)/5039/2020

M/S NORTH INDIA ENGINEERING
HAVING ITS REGISTERED OFFICE AT EMCHI 1, P.O. AND P.S. DOIMUKH, DIST. PAPUM PARE, ARUANCHAL PRADESH, REP. BY ITS PROPRIETOR TABA RAMA, AGED ABOUT 36 YEARS, PERMANENT R/O EMCHI-1, P.O. AND P.S. DOIMUKH, DIST. PAPUM PARE, ARUNACHAL PRADESH

VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH THE COMMISSIONER/SECRETARY, PUBLIC WORKS DEPTT. GOVT. OF ASSAM, DISPUR, GUWAHATI, ASSAM

2:THE CHIEF ENGINEER
PUBLIC WORKS DEPTT. (ROADS)
GOVT. OF ASSAM
CHANDMARI
GUWAHATI-781003
DIST. KAMRUP (M) ASSAM

3:THE PUBLIC INFORMATION OFFICER AND SUPERINTENDING ENGINEER (P)
O/O CHIEF ENGINEER
PUBLIC WORKS DEPTT. (ROADS)
CHANDMARI
GUWAHATI-781003
DIST. KAMRUP (M)
ASSAM

4:GOLLU TUKIA
S/O LT. GOLLO TAYU
R/O DOIMUKH P.O. AND P.S. DOIMUKH
DIST. PAPUM PARE

ARUANCHAL PRADES

Advocate for the Petitioner : MR. P K TIWARI

Advocate for the Respondent : SC, PWD ROAD

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 21-12-2020

Heard Mr. P.K. Tiwari, learned Sr. counsel assisted by Mr. A.R. Gogoi, learned counsel for the writ petitioner. Also heard Mr. D. Saikia, learned Sr. counsel assisted by Mr. B. Gogoi, learned counsel representing respondent Nos. 1 to 3.

The order dated 18-03-2020 issued by the respondent No. 2 debarring the petitioner has been assailed in the writ petition *inter-alia* on the ground that the impugned order has been issued without serving any prior notice so as to give an opportunity of being heard to the petitioner.

Mr. Tiwari has also argued that the impugned order is the outcome of the business rivalry between his client and the respondent No. 4 and even the documents allegedly relied upon by the department are all fake.

Mr. D. Saikia learned Sr. counsel has submitted, in his usual fairness that since no notice was served upon the petitioner before the impugned order was issued, this matter can be remanded to the departmental authorities to take a fresh decision in the matter after

hearing the writ petitioner.

Mr. Tiwari, learned Sr. counsel, has agreed to such an order.

In view of the above and as agreed to by the learned counsel for the parties, the impugned order dated 18-03-2020 is hereby set aside for having been issued in violation of the principles of natural justice.

The respondent Nos. 1 to 3 shall now be at liberty to proceed in the matter afresh after serving proper show-cause notice upon the petitioner and after giving an opportunity of being heard in the matter.

It is, however, made clear that, if any notice is served upon the petitioner then it would be obligatory on its part to respond and reply to the same within a period of 10 days from the date of receipt of the show cause notice.

Writ petition stands disposed of accordingly.

JUDGE

GS

Comparing Assistant