

ARB.A. No. 5 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri K.K.Mahanta, Sr. Advocate, present for the petitioner.

Shri K.Paul, Advocate, present for the respondent.

Learned counsel for the respondent pointed out the deficiency of court fee in the petition.

Learned counsel for the petitioner prays for and is allowed to make good the deficiency of court fee if any, within a period of 3(three) days.

List this case again on 16-12-2013.

CHIEF JUSTICE

S.Rynjah

BA. No. 153 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri R.Kar, Advocate, present for the applicant.

Shri R.Gurung, Govt. Advocate, present for the respondents.

Learned counsel for the applicant prays for and is allowed to withdraw the Bail Application with liberty to file first before the Sessions Judge.

Accordingly, the Bail Application is dismissed as withdrawn with liberty as above.

CHIEF JUSTICE

S.Rynjah

MC[WP(C)]. No. 391 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri R.Jha, Advocate, present for the applicant/petitioner.

Shri H.Kharmih, Advocate, present for the State respondents.

Heard.

By means of this application (Misc.Case No. 391 of 2013), the applicant/petitioner has sought restoration of WP(C) No. 362 of 2012 which was dismissed for non-prosecution on 6-11-2013.

The application for restoration is within time. Ground of absence is sufficiently explained in the application supported by an affidavit of the applicant/writ petitioner.

Therefore, restoration application is allowed (Misc. Case No. 391 of 2013 stands disposed of). WP(C) No. 362 of 2012 is restored to its original number.

CHIEF JUSTICE

S.Rynjah

THE HIGH COURT OF MEGHALAYA

MC(ARB.A) No. 92 of 2013

M/S Krishna Enterprise, Pariong Villa, Kench's Trace, Shillong – 4
(Meghalaya), Represented by Shri Parmode Sharma, Proprietor.

...Petitioner

-Versus-

1. Union of India, Represented by its Garrison Engineer, Shillong Division.
2. The Engineer in-Chief Delhi, H.Q. (Army) Kas House, New Delhi-11.
3. The Chief Engineer, Shillong Zone (Army) S.E.Falls, Shillong -11.
4. The Commandant, Engineer, S.E.Falls, Shillong.
5. The Garrison Engineer, Shillong Division, Shillong -2.

...Respondents

Shri B.K.Deb Roy, Advocate and Shri S.D.Upadhaya, Advocate present for the petitioner.

Shri R.Deb Nath, CGC, present for the respondents.

9-12-2013

HON'BLE THE CHIEF JUSTICE

ORDER

By means of this application moved under Section 11 of Arbitration and Conciliation Act, 1996, the petitioner has sought appointment of Arbitrator to adjudicate the dispute relating to claim in respect of a contract between the parties.

2. Heard.
3. It appears that earlier arbitration petition No. 13 of 2009 was filed before the Gauhati High Court in this matter, and the then Hon'ble Chief Justice Mr. Madan B. Lokur passed the order dated 13-5-2011 whereby Hon'ble Mr. Justice B.Lamare (Retd) was appointed Arbitrator. It is stated that Justice Mr. B.Lamare (Retd) has expired. Hence, a fresh application was

filed before this Court, as Gauhati High Court has no more territorial jurisdiction in respect of State of Meghalaya.

4. Learned counsel for the parties stated that they have no objection to the name of Hon'ble Mr. Justice Pronoy Kumar Mushahari (Retd Judge) as Arbitrator in the matter.
5. In the above circumstances and having gone through the copy of the agreement containing the arbitration clause in respect of contract No. GE/SHL/08 of 2003-2004 read with copy of the order dated 13-5-2011 passed in Arbitration No. 13 of 2009, and further considering the fact that the respondents had written a letter dated 21-9-2007 for appointment of Arbitrator which was not responded, Hon'ble Justice Mr. Pronoy Kumar Mushahari (Retd) is appointed as Arbitrator in place of Hon'ble Mr. Justice B.Lamare (Retd Judge said to have expired), to adjudicate upon the dispute between the parties. The Registry of this Court will send the letter of request to Hon'ble Mr. Justice Pronoy Kumar Mushahari (Retd) for his consent to enter into the reference.
6. Accordingly, this petition [Misc. Case (Arb.A) No. 92 of 2013] stands disposed of.

CHIEF JUSTICE

S.Rynjah

MC(ARB.P) No. 389 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri B.K.Deb Roy, Advocate, present for the applicant.

Shri R.Deb Nath, Advocate present for the respondents.

Learned counsel for the respondents states that he has filed response to the petition. Same is not found on record.

Registry is directed to search out the response, if any, filed by the respondents and same be placed on record.

List this matter after 3(three) days.

CHIEF JUSTICE

S.Rynjah

Test Cas. No. 1 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Dr. O.D.V. Ladia, Advocate, present for the petitioner.

Shri. M.Shangpliang, Advocate, present for the respondents No. 1 and 2.

Affidavit-in-opposition is said to have been filed by respondents No. 1 and 2.

Learned counsel for petitioner has already filed an affidavit enclosing publication of notice in the daily newspaper, Shillong Times and also Assam Tribune of Guwahati.

Learned counsel the petitioner prays for and is allowed 3(three) weeks' time to file the rejoinder affidavit to the affidavit-in-opposition filed on behalf of respondent No. 1 and 2 .

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 182 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Smti. S. Bhattacharjee, Advocate, present for the petitioner.

Shri R.G. Momin, Advocate, and Shri K.P. Bhattacharjee, Advocate, holding brief for Shri. A.H.Hazarika, Advocate present for the respondents No. 1 to 3.

Affidavit-in-opposition has already been filed on behalf of respondents No. 1 to 3. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed 3(three) weeks' time to file rejoinder affidavit to the counter affidavit filed on behalf of respondents No. 1 to 3.

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 267 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri K.Paul, Advocate, present for the petitioner.

Shri K.S.Kynjng, Advocate General, assisted by Shri N.D.Chullai,
Sr. Govt. Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed further
2(two) weeks' time to file the rejoinder affidavit.

List this case after 2(two) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 355 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Smti. S. Bhattacharjee, Advocate, present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file the counter affidavit.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 357 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri. P.T.Sangma,, Advocate, present for the petitioners.

Shri K.Khan, Addl.Sr. Govt. Advocate, present for the respondents
No. 1 to 3.

Learned counsel for the respondents No. 1 to 3 prays for and is
allowed 4(four) weeks' time to file the counter affidavit.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 358 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri. R.Gurung, Advocate, present for the petitioner.

Shri S.P.Mahanta, Advocate, present for the respondent No.2.

Heard.

By means of this writ petition, the petitioner has sought mandamus to appoint him on compassionate ground to a Grade IV post in the office of the Cantonment Board, Shillong.

Learned counsel for the petitioner submitted that he confines his prayer only to the extent that the representation made by him for compassionate appointment may be decided by the authority concerned. To that extent, learned counsel for the respondent No.2 has no objection.

Accordingly, the writ petition is disposed of with the direction to respondent No.2 to decide the representation (copy at Annexure-III to the writ petition) if not already disposed of, within a period of 3(three) months from the date certified copy of this order along with copy of the said representation is produced before such authority.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 360 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri G.S.Massar, Sr. Advocate, present for the petitioner.

Shri S.Dey, Advocate, present for the respondents No. 1 to 3.

Learned counsel for the respondents No. 1 to 3 prays for and is allowed 4(four) weeks' time to file the counter affidavit.

Issue notice to respondent No.4 who may also file his counter affidavit within a period of 4(four) weeks.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 361 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Smti. S. Bhattacharjee, Advocate, present for the petitioner.

Shri K.Khan, Addl. Sr. Govt. Advocate, present for the respondents No. 1 to 6.

Learned counsel for the respondents No. 1 to 6 prays for and is allowed 4(four) weeks' time to file the counter affidavit.

Issue notice to respondent No. 7, Shri Subin Hajong, who may also file his counter affidavit within a period of 4(four) weeks.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 362 of 2013

09.12.2013

HON'BLE THE CHIEF JUSTICE

Shri B.K.Deb Roy, Advocate, present for the petitioners.

Shri N.D.Chullai, Sr. Govt. Advocate, present for the respondent No.1.

Shri R.Thangkhiew, Advocate, holding brief for Shri V.G.K.Kynta, Sr. Advocate, present for respondent No.2.

Learned counsel for the respondent No.1 and respondent No. 2 prays for and is allowed 4(four) weeks' time to file the counter affidavit.

Issue notice to respondent No.3 to 5 who may also file their counter affidavit within a period of 4(four) weeks.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

