

# THE HIGH COURT OF MEGHALAYA

## Arb.Petn. No. 1 of 2012

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.Deka, Advocate present for the petitioner.

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

**13-12-2013**

**HON'BLE THE CHIEF JUSTICE**

## **ORDER**

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

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

By means of this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner has sought appointment of arbitrator to decide the claim of Rs. 9,35,470/- in respect of Agreement No. GE/SHL/27 of 2006-2007 with the respondents.

2. Heard.

3. It is pleaded in the petition that the petitioner, a Contractor entered into an agreement dated 30-6-2010/28-9-2006. It is further

pleaded that since certain modifications were required in the work, as such the period of contract was extended. The petitioner has raised a claim of Rs. 9,45,470/- in respect of said work regarding which it is pleaded that after giving notice for arbitration the respondents have not appointed an arbitrator, hence the application.

4. In the objection/affidavit filed on behalf of the respondents, the question of fact has been disputed in respect of the claim, but it is not disputed that the defendant had entered into an agreement with the petitioner in respect of which the contract No. GE/SHL/27 of 2006-2007 and there is an arbitration clause in the agreement. It is also clear that no arbitrator is appointed by the respondents.

5. In the above circumstances, this petition under Section 11 of the Arbitration and Conciliation Act, 1996 is disposed of with the direction that Hon'ble Mr. Justice Pronoy Kumar Mushahari (Retd) is appointed arbitrator to enter into the arbitration and to adjudicate upon the dispute between the parties in respect of the aforesaid claim. The Registry of this Court is requested to send the letter of request to Hon'ble Mr. Justice Pronoy Kumar Mushahari (Retd) for his consent to enter into the reference.

6. Accordingly, Arb.Petn. No. 1 of 2012 stands disposed of.

**CHIEF JUSTICE**

S. Rynjah

**BA. No. 154 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri. S.P.Mahanta, Advocate, present for the applicant.

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

Heard.

By means of this Bail Application, the applicant has sought bail of his sister, Smti Etilut Rymbai (accused) who is in jail in connection with Jowai P.S. Case No. 140 (8) of 2013 corresponding to G.R. Case No. 140 of 2013 relating to offence punishable under Section 302 IPC.

Learned counsel for the applicant submitted that the accused seeking bail is a woman. It is further pointed out that she is not named in the First Information Report. It is contended that the applicant's sister is made accused on account of suspicion. It is also pleaded that the applicant's sister (accused) was not in the place of incident on the date when the murder was said to have been committed. On the other hand, learned counsel for the State respondents submitted that after the investigation, charge sheet has been filed.

Having heard learned counsel for the parties and gone through the papers and record, without expressing any opinion as to the final merits of the case, this Court is of the view that the accused deserves bail.

Accordingly, Bail Application is allowed. Let accused, Smti Etilut Rymbai, be released on bail on executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of Chief Judicial Magistrate, Jowai.

**CHIEF JUSTICE**

S.Rynjah

**CRP No. 28 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Adjourned at the request of learned counsel for the parties.

List this case on 4/2/2014 for final hearing.

**CHIEF JUSTICE**

S. Rynjah

**MC(Arb.P) No. 389 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

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

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

Learned counsel for the parties state that this Arbitration application (Misc. Case No. 389 of 2013) has become infructuous in view of the order dated 9-12-2013 passed in Misc. Case No. 92 of 2013 appointing Hon'ble Mr. Justice Pronoy Kumar Mushahari (Retd) as arbitrator.

Accordingly, this Misc. Case No. 389 of 2013 stands dismissed as infructuous.

**CHIEF JUSTICE**

S. Rynjah

**MC[WP (C)] No. 399 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Smti S.Bhattacharjee, Govt. Advocate, present for the applicant/respondent No.4 in the writ petition.

Shri S.Jindal, Advocate, present for the opposite party (writ petitioner).

Heard.

By means of this application, the applicant (respondent No. 4 in the writ petition) has sought extension of 3(three) months time to implement the order dated 7-11-2013 passed by this Court in WP(C) No. 55 of 2013.

The order dated 7-11-2013 in WP(C) No. 55 of 2013 read with order dated 18-11-2013 in Misc. Case. No. 351 of 2013, shows that this Court had directed the respondent No.4 to calculate the leave encashment and arrears of balance pay and allowances and to pay the said amount of the deceased, to the petitioner (widow of the deceased employee).

Having heard learned counsel for the applicant and learned counsel for the opposite party, this application for extension of time is allowed as prayed. The Misc. Case No. 399 of 2013 stands disposed of.

**CHIEF JUSTICE**

S. Rynjah

**WP (C) No. 57 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri H. L. Shangreiso, Advocate, present for the petitioner.

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

Shri K Paul, Advocate, present for respondent No. 8.

Adjourned of the request of the learned counsel for the parties.

List this case after winter vacation for order/admission.

**CHIEF JUSTICE**

S. Rynjah

**WP (C) No. 183 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri S. Wahlang, Advocate, present for the petitioners.

Shri V.G.K. Kynta, Senior Advocate, present for the State respondent No. 1.

Shri L. Khyriem, Advocate, present for respondent No. 2.

Shri R. Pyngrope, Advocate, present for respondent No. 3.

Heard.

Admit the petition.

Counter affidavits has been filed on behalf of respondents No. 2 and 3.

Learned counsel for the petitioners state that he does not want to file rejoinder affidavit.

List this case for final hearing after winter vacation.

**CHIEF JUSTICE**

S. Rynjah



**WP (C) No. 370 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

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

Shri N D Chullai, senior 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. 230 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri P. Nongbri, Advocate, present for the petitioner.

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

Learned counsel for the respondents prays for and is allowed 3 (three) weeks' time to file the counter affidavit.

List this case after 3 (three) weeks.

**CHIEF JUSTICE**

S. Rynjah

**WP (C) No. 232 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri P. Nongbri, Advocate, present for the petitioner.

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

Learned counsel for the respondents prays for and is allowed 3 (three) weeks' time to file the counter affidavit.

List this case after 3 (three) weeks.

**CHIEF JUSTICE**

S. Rynjah

**WP (C) No. 232 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri P. Nongbri, Advocate, present for the petitioner.

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

Learned counsel for the respondents prays for and is allowed 3 (three) weeks' time to file the counter affidavit.

List this case after 3 (three) weeks.

**CHIEF JUSTICE**

S. Rynjah

**WP (C) No. 241 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Ms. A.R.Nath, Advocate, present for the petitioner.

Mrs. N.G.Shylla, Govt. Advocate, present for the State respondents.

Ms. S.G.Momin, Advocate, present for respondents No. 5, 7 and 9.

It is stated that counter affidavit has been filed on behalf of respondents No. 5, 7 and 9 today in the Registry.

Learned counsel for the petitioners prays for and is allowed 3(three) weeks' time to file the rejoinder affidavit.

List this case after 3(three) weeks.

**CHIEF JUSTICE**

S. Rynjah

**WP (C) No. 276 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Ms. D.Nengnong, Advocate, present for the petitioner.

Mrs. N.G.Shylla, Govt. Advocate, present for the respondents.

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

List this case after 2(two) weeks.

**CHIEF JUSTICE**

S. Rynjah

**WP (C) No. 325 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Mr..S.P.Mahanta, Advocate, present for the petitioners.

Ms. S.Acharjee, holding brief for Mr. K.Khan, Addl. Sr. Govt. Advocate, present for the State respondents.

Mr. B.Khyriem, Advocate, present for respondents No. 5, and 6.

Learned counsel for respondents No. 1 and 2 and learned counsel for respondents No. 5 and 6 pray for and are allowed further 4(four) weeks' time to file the counter affidavit.

Registry has reported that out of 71 respondents, 12 respondents No. 17, 32, 33, 38, 50, 54, 56, 58, 59, 60, 65, and 67 have not been served. Rest of the respondents have been served sufficiently.

Learned counsel for the petitioners prays for and is allowed 3(three) weeks' time to take fresh steps for notice to the aforesaid 12 respondents who may file their counter affidavits within a period of 4(four) weeks.

List this case after 4(four) weeks.

**CHIEF JUSTICE**

S. Rynjah

**WP(C). No. 363 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri. P.N.Nongbri, 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. 364 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

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

Shri. S.P.Mahanta, 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. 365 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

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

Shri. S.P.Mahanta, 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. 369 of 2013**

**13.12.2013**

**HON'BLE THE CHIEF JUSTICE**

Smti. N.Gurung, Advocate, present for the petitioner.

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

Heard.

By means of this writ petition, the petitioner has sought writ in the nature of mandamus directing the respondents not to interfere in the operation of the petitioners Bank Account No. 32537404326 with State Bank of India, Williamnagar Branch.

It is pleaded in the writ petition that the petitioner is wife of Shri Savio Ch. Marak, a Constable with the 1<sup>st</sup> MLP Battalion. It is further stated that the petitioner's husband was wanted by the respondents in connection with the Rabha-Garo conflict in Garo Hills which took place in the January, 2011. It is contended that due to that reason, the petitioner's personal Saving Bank Account No. 32537404326 with State Bank of India, Williamnagar Branch has been freezed and she is unable to operate the same. The statement of account annexed with the writ petition shows that only Rs. 24,610/- was in balance in said account and it has never exceeded an amount of Rs. 26,209/-. Attention of this Court is drawn to Annexure - 3 to the writ petition which shows that the account was frozen suspecting that the same is being used by the husband of the petitioner. Copy of the statement of account and the passbook shows that it is operated by a single person (petitioner). It is argued that the petitioner is starving and fighting for her survival after her account was frozen.

Admit the petition.

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

respondent No. 5 who may also file his counter affidavit within a period of 4(four) weeks.

Having heard learned counsel for the petitioner and learned counsel for respondents No. 1 to 4 and after going through the papers and record, as an interim measure it is directed that respondent No. 5 shall allow the petitioner to operate her above mentioned account No. 32537404326 to the extent of withdrawing Rs. 10,000/- per month until further orders of this Court.

List this case after 4(four) weeks.

**CHIEF JUSTICE**

S.Rynjah