

**Misc. Case No. 332 of 2013**

**In WP(C). No. 306 of 2013**

**29-10-2013**

**HON'BLE THE CHIEF JUSTICE,**

In view of the order passed in WP(C). No. 306 of 2013, whereby the said writ petition has been dismissed, this Misc. Case also stands dismissed.

**CHIEF JUSTICE**

S.Rynjah

**Misc. Case No. 334 of 2013**

**In WP(C). No. 308 of 2013**

**29-10-2013**

**HON'BLE THE CHIEF JUSTICE,**

In view of the order passed in WP(C). No. 308 of 2013, whereby the said writ petition has been dismissed, this Misc. Case also stands dismissed.

**CHIEF JUSTICE**

S.Rynjah

**Misc. Case No. 333 of 2013**

**In WP(C). No. 307 of 2013**

**29-10-2013**

**HON'BLE THE CHIEF JUSTICE,**

In view of the order passed in WP(C). No. 307 of 2013, whereby the said writ petition has been dismissed, this Misc. Case also stands dismissed.

**CHIEF JUSTICE**

S.Rynjah

**WP(C) No. 26 of 2013**

**29.10.2013**

**HON'BLE THE CHIEF JUSTICE**

Smti B. Khongthaw, Advocate present for the writ petitioner.

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

The writ petitioner has already filed rejoinder affidavit. Learned counsel for the writ petitioner prays for and is allowed 2(two) weeks' time to file supplementary affidavit.

List this case after 2(two) weeks.

**CHIEF JUSTICE**

S.Rynjah



**WP(C) No. 111 of 2013**

**29.10.2013**

**HON'BLE THE CHIEF JUSTICE**

Ms. K.Chisa, Advocate present for the writ petitioner.

Mr. K.P. Bhattacharjee, Govt. Advocate present for the respondents No. 1 and 2.

Mr. E.Nongbri, Advocate, present for respondent No. 3 and 5.

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

List this case after 3(three) weeks.

**CHIEF JUSTICE**

S.Rynjah



**WP(C) No. 184 of 2013**

**29.10.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri S.Dey, Advocate present for the writ petitioner.

Shri K.P.Bhattacharjee, Govt. Advocate present for the respondents.

Learned counsel for the writ petitioner prays for and is allowed further 3(three) days time to file rejoinder affidavit.

List this case on Friday (1-11-2013).

**CHIEF JUSTICE**

S.Rynjah



**WP(C) No. 230 of 2013**

**29.10.2013**

**HON'BLE THE CHIEF JUSTICE**

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

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

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

List this case after 3(three) weeks.

**CHIEF JUSTICE**

S.Rynjah

**WP(C) No. 231 of 2013**

**29.10.2013**

**HON'BLE THE CHIEF JUSTICE**

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

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

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

List this case after 3(three) weeks.

**CHIEF JUSTICE**

S.Rynjah

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

**29.10.2013**

**HON'BLE THE CHIEF JUSTICE**

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

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

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

List this case after 3(three) weeks.

**CHIEF JUSTICE**

S.Rynjah

**WP(C) No. 237 of 2013**

**29.10.2013**

**HON'BLE THE CHIEF JUSTICE**

Ms. B.Das, Advocate present for the writ petitioner.

Mr. N.Khan, Advocate present for the respondents No. 1 to 3.

Mr. K.Sunar, Advocate, present for the respondent No. 4

Learned counsel for the respondents No. 1 to 3 and learned counsel for respondent No. 4 prays for and are allowed further 3(three) weeks' time to file counter affidavit.

List this case after 3(three) weeks.

**CHIEF JUSTICE**

S.Rynjah

**WP(C) No. 260 of 2013**

**29.10.2013**

**HON'BLE THE CHIEF JUSTICE**

Shri R. Kar, Advocate present for the writ petitioner.

Shri. K.P. Bhattacharjee, Govt. Advocate present for the respondents.

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

List this case after 4(four) weeks.

**CHIEF JUSTICE**

S.Rynjah

# THE HIGH COURT OF MEGHALAYA

## WP(C) No. 306 of 2013

1. **Patel Engineering Ltd.**, a company incorporated under the provisions of the Indian Companies Act, 1913 and an existing company under the provisions of the Companies Act, 1956, having its registered office at Patel Estate, S.V. Road, Jogeshwari (W) Mumbai – 400102.
2. **Unity Infraprojects Ltd.**, a company incorporated under the provisions of the Companies Act, 1956, having its registered office at 1251, Pushapanjali Apartments, 1<sup>st</sup> Floor, Old Prabhadevi Road, Mumbai 400025.

...Petitioners

**-Versus-**

1. **Union of India**, Represented by the Commissioner and Secretary to the Government of India, Ministry of Power.
2. **North Eastern Electric Power Corporation Ltd.**, a company incorporated under the Companies Act, 1956, having its registered office at Brook Land Compound, Lower New Colony, Shillong, Meghalaya.
3. **Head of Project**, KaHEP, North Eastern Electric Power Corporation Limited, Brook Land Compound, Lower New Colony, Shillong, Meghalaya.

...Respondents

Dr. A. Saraf, Sr. Advocate, Ms. M.L.Gope, Advocate Ms. N. Hawalia, Mr. A. Goel, Advocate, Mr. K.Choudhury, Advocate, Mr. P.Baruah, Advocate, present for the petitioners.

Mr. R.Deb Nath, CGC present for respondent No. 1.

Mr. V.K.Jindal, Sr. Advocate, Mr. S.Jindal, Advocate, Mr. S.Dey, Advocate, Ms. Q.B.Lamare, Advocate present for respondents No. 2 and 3.

Date of Order 29<sup>th</sup> October, 2013.

## ORDER

### HON'BLE PRAFULLA. C. PANT, CHIEF JUSTICE.

Heard.

2. By means of this writ petition, the writ petitioner has sought writ in the nature of Certiorari and/or writ in the nature of Mandamus in respect of Notice Inviting Bids dated 11-10-2013 issued by the respondent-Corporation for supply of boulders/sand from quarry centres in Jameri, Dirang and Lung (Arunachal Pradesh) to Bichom Dam (Arunachal Pradesh).
3. Briefly stated the petitioner is the contractor who has been given work contract for construction of Dam in Arunachal Pradesh, by the respondent-Corporation. The copy of the agreement is filed with the writ petition. It is pleaded by the learned counsel for the writ petitioner that Notice Inviting Bids could not have been issued by the respondent-Corporation inviting third parties to transport/supply the stones and sand from the quarry site to the dam site.
4. However, having considered submissions of Learned counsel for the parties, this Court is prima facie not satisfied that under the agreement between the writ petitioner and the respondent-Corporation, the respondent-Corporation was barred from inviting tenders or to make supply of the boulders/sand to the writ petitioner at the dam site. From the papers on record, it appears that after the boulders and sand could not be found out near the site of the dam, the same was required to be taken from Jameri, Dirang and Lung site. Admittedly, the petitioner was temporarily allowed to transport minerals from the above mentioned sites to the dam site, only on his request and the permission granted to him has expired on 14-10-2013. It is not the case of the petitioner that respondent-Corporation would charge any payment from him for supplying boulders etc at the dam site. Simply stated the case is that it is the petitioner would demand extra charge for transportation of boulders etc at dam site, which the respondent North Eastern Electric Power Corporation Limited wants to supply free to him by incurring lesser expenditure by inviting tenders in which petitioner can also participate.
5. In the above circumstances, since the writ petitioner can also participate in the bid floated by the Corporation, this Court is not inclined to interfere in the matter.
6. Therefore, the writ petition is dismissed summarily.

**CHIEF JUSTICE**

S.Rynjah

# THE HIGH COURT OF MEGHALAYA

## WP(C) No. 307 of 2013

1. **Patel Engineering Ltd.**, a company incorporated under the provisions of the Indian Companies Act, 1913 and an existing company under the provisions of the Companies Act, 1956, having its registered office at Patel Estate, S.V. Road, Jogeshwari (W) Mumbai – 400102.

...Petitioner

**-Versus-**

1. **Union of India**, Represented by the Commissioner and Secretary to the Government of India, Ministry of Power.
2. **North Eastern Electric Power Corporation Ltd.**, a company incorporated under the Companies Act, 1956, having its registered office at Brook Land Compound, Lower New Colony, Shillong, Meghalaya.
3. **Head of Project**, KaHEP, North Eastern Electric Power Corporation Limited, Brook Land Compound, Lower New Colony, Shillong, Meghalaya.

...Respondents

Dr. A. Saraf, Sr. Advocate, Ms. M.L.Gope, Advocate Ms. N. Hawalia, Mr. A. Goel, Advocate, Mr. K.Choudhury, Advocate, Mr. P.Baruah, Advocate, present for the petitioners.

Mr. R.Deb Nath, CGC present for respondent No. 1.

Mr. V.K.Jindal, Sr. Advocate, Mr. S.Jindal, Advocate, Mr. S.Dey, Advocate, Ms. Q.B.Lamare, Advocate present for respondents No. 2 and 3.

Date of Order 29<sup>th</sup> October, 2013.

## ORDER

**HON'BLE PRAFULLA. C. PANT, CHIEF JUSTICE.**

Heard.

2. By means of this writ petition, the writ petitioner has sought writ in the nature of Certiorari and/or writ in the nature of Mandamus in respect of Notice Inviting Bids dated 11-10-2013 issued by the respondent-Corporation for



supply of boulders/sand from quarry centres in Jameri/Sabu near Palazi (Arunachal Pradesh) to Tenga Dam (Arunachal Pradesh).

3. Briefly stated the petitioner is the contractor who has been given work contract for construction of Dam in Arunachal Pradesh, by the respondent-Corporation. The copy of the agreement is filed with the writ petition. It is pleaded by the learned counsel for the writ petitioner that Notice Inviting Bids could not have been issued by the respondent-Corporation inviting third parties to transport/supply the stones and sand from the quarry site to the dam site.
4. However, having considered submissions of Learned counsel for the parties, this Court is prima facie not satisfied that under the agreement between the writ petitioner and the respondent-Corporation, the respondent-Corporation was barred from inviting tenders or to make supply of the boulders/sand to the writ petitioner at the dam site. From the papers on record, it appears that after the boulders and sand could not be found out near the site of the dam, the same was required to be taken from Jameri/Sabu near Palazi site. Admittedly, the petitioner was temporarily allowed to transport minerals from the above mentioned sites to the dam site, only on his request and the permission granted to him has expired on 14-10-2013. It is not the case of the petitioner that respondent-Corporation would charge any payment from him for supplying boulders etc at the dam site. Simply stated the case is that it is the petitioner would demand extra charge for transportation of boulders etc at dam site, which the respondent North Eastern Electric Power Corporation Limited wants to supply free to him by incurring lesser expenditure by inviting tenders in which petitioner can also participate.
5. In the above circumstances, since the writ petitioner can also participate in the bid floated by the Corporation, this Court is not inclined to interfere in the matter.
6. Therefore, the writ petition is dismissed summarily.

**CHIEF JUSTICE**

S.Rynjah

# THE HIGH COURT OF MEGHALAYA

## WP(C) No. 308 of 2013

1. **Patel Engineering Ltd.**, a company incorporated under the provisions of the Indian Companies Act, 1913 and an existing company under the provisions of the Companies Act, 1956, having its registered office at Patel Estate, S.V. Road, Jogeshwari (W) Mumbai – 400102.

...Petitioner

**-Versus-**

1. **Union of India**, Represented by the Commissioner and Secretary to the Government of India, Ministry of Power.
2. **North Eastern Electric Power Corporation Ltd.**, a company incorporated under the Companies Act, 1956, having its registered office at Brook Land Compound, Lower New Colony, Shillong, Meghalaya.
3. **Head of Project**, KaHEP, North Eastern Electric Power Corporation Limited, Brook Land Compound, Lower New Colony, Shillong, Meghalaya.

...Respondents

Dr. A. Saraf, Sr. Advocate, Ms. M.L.Gope, Advocate Ms. N. Hawalia, Mr. A. Goel, Advocate, Mr. K.Choudhury, Advocate, Mr. P.Baruah, Advocate, present for the petitioners.

Mr. R.Deb Nath, CGC present for respondent No. 1.

Mr. V.K.Jindal, Sr. Advocate, Mr. S.Jindal, Advocate, Mr. S.Dey, Advocate, Ms. Q.B.Lamare, Advocate present for respondents No. 2 and 3.

Date of Order 29<sup>th</sup> October, 2013.

## ORDER

HON'BLE PRAFULLA. C. PANT, CHIEF JUSTICE.

Heard.

2. By means of this writ petition, the writ petitioner has sought writ in the nature of Certiorari and/or writ in the nature of Mandamus in respect of Notice Inviting Bids dated 11-10-2013 issued by the respondent-Corporation for supply of

boulders/sand from quarry centres in Tippi/Bhalukpong (Arunachal Pradesh) to Kameng Hydro Electric Project (Arunachal Pradesh).

3. Briefly stated the petitioner is the contractor who has been given work contract for construction of Dam in Arunachal Pradesh, by the respondent-Corporation. The copy of the agreement is filed with the writ petition. It is pleaded by the learned counsel for the writ petitioner that Notice Inviting Bids could not have been issued by the respondent-Corporation inviting third parties to transport/supply the stones and sand from the quarry site to the dam site.
4. However, having considered submissions of Learned counsel for the parties, this Court is prima facie not satisfied that under the agreement between the writ petitioner and the respondent-Corporation, the respondent-Corporation was barred from inviting tenders or to make supply of the boulders/sand to the writ petitioner at the dam site. From the papers on record, it appears that after the boulders and sand could not be found out near the site of the dam, the same was required to be taken from Tippi/Bhalukpong site. Admittedly, the petitioner was temporarily allowed to transport minerals from the above mentioned sites to the dam site, only on his request and the permission granted to him has expired on 14-10-2013. It is not the case of the petitioner that respondent-Corporation would charge any payment from him for supplying boulders etc at the dam site. Simply stated the case is that it is the petitioner would demand extra charge for transportation of boulders etc at dam site, which the respondent North Eastern Electric Power Corporation Limited wants to supply free to him by incurring lesser expenditure by inviting tenders in which petitioner can also participate.
5. In the above circumstances, since the writ petitioner can also participate in the bid floated by the Corporation, this Court is not inclined to interfere in the matter.
6. Therefore, the writ petition is dismissed summarily.

**CHIEF JUSTICE**

S.Rynjah