

ITEM NO.24

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 30058/2017

(Arising out of impugned final judgment and order dated 12-05-2017 in WA No. 10/2015 passed by the High Court Of Gauhati At Kohima)

M/S NORTH EAST CONSTRUCTION

Petitioner(s)

VERSUS

M/S J. NASED & ORS.

Respondent(s)

Date : 16-08-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Sibbo Sankar Mishra, AOR
Mr. Monoranjan Padhi, Adv.
Mr. Nirranjan Sahu, Adv.

For Respondent(s) Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Ms. Limayinla Jamir, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The notice was issued in this matter because in a scenario where there is equal value of two tenders, only one party was called for negotiation and tender awarded to that party.

The counter affidavit has been filed by respondent Nos. 2 to 4 which shows that the *lis* really does not survive on account of the fact that the fund for financial year 2014-2015 was not released by the Ministry, as a result of which the

project was stalled and none of the 18 work orders issued in the project was implemented for lack of fund. The work had to be completed within eighteen months as per the work order dated 20.01.2015, which time period had expired on or about 20.06.2016. It is thus stated that the work order has lapsed due to efflux of time.

On taking note of the aforesaid facts, we are of the view that the dispute does not stand for adjudication though we would have great reservations on negotiation with one party alone in the aforesaid scenario.

No doubt if an occasion arises again, a fresh tender will have to be issued.

The special leave petition is disposed of accordingly.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)