

WP(C) 287/2012
BEFORE
HON'BLE MR. JUSTICE A.M. BUJOR BARUA

Heard Mr. I.A. Hazarika, learned counsel for the applicant/writ petitioner and Ms. R. Deka, learned Standing Counsel for the PWD.

While considering the writ petition being WP(C) No.287/2012, this Court by order dated 31.03.2016 had closed the writ petition by taking note of the projection made by the departmental counsel on the merit of the case and also by taking note of the absence of the learned counsel for the petitioner and accordingly provided that the case is dismissed for non prosecution. By the said order, it was provided that notwithstanding the dismissal of the case, the fund whenever it is released for payment of interest, the same should be paid to the supplier in accordance with the applicable terms.

In the present Misc Case, the petitioner prays for restoration of the Writ Petition No.287/2012. But, on perusal of the order dated 31.03.2016, it appears that apart from the matter being dismissed for default, there were certain observations on the merit of the case and also notwithstanding the dismissal, the authorities were also required to make the payment to the supplier when the fund is released.

In this view of the matter, it is construed that this application for restoration is not an application for restoration simplicitor as the same also involve certain observation and finding on the merit of the case.

In this view of the matter, let this Misc Case be listed before the appropriate bench.