

GAHC010147562021



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/4765/2021**

NAZIR HUSSAIN LASKAR AND ANR.  
S/O LATE SAMJAD ALI LASKAR, R/O BERENGA PART-III, P.O. SILCHAR,P.S.  
SILCHAR, DIST. CACHAR, ASSAM 788001

2: AASIF ALTAF LASKAR  
M/S SHIVA IDUSTRIES (JOINT VETURE)  
REPRESENTED BY ITS LEADING PARTNER AASIF ALTAF LASKAR  
AGE 26 YEARS  
S/O ALTAF HUSSAIN LASKAR  
R/O TULARGRAM PART-II  
SONAI  
P.O. AND P.S. SONAI  
DIST. CACHAR  
ASSAM  
PIN 78811

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
THROUGH THE SECY. TO THE GOVT. OF ASSAM, WATER RESOURCES  
DEPT., DISPUR, GUWAHATI 781006

2:THE CHIEF ENGINEER

WATER RESOURCES DEPTT.  
ASSAM  
CHANDMARI  
GUWAHATI 781003

3:THE ADDL. CHIEF ENGINEER

CACHAR AND HILLS WATER RESOURCES SILCHAR  
DIST. CACHAR  
ASSAM

PIN 788001

4:THE BID EVALUATION COMMITTEE

REPRESENTED BY ITS CHAIRMAN  
THE ADDL. CHIEFF ENGINEER  
CACHAR AND HILLS WATER RESOURCES  
SILCHAR  
DIST. CACHAR  
ASSAM  
PIN 788001

5:NURUL MAZUMDAR-NURUL LASKAR

(JOINT VENTURE) C/O THE ADDITIONAL CHIEF ENGINEER WATER  
RESOURCES DEPTT.  
CACHAR AND HILLS WATER RESOURCES  
SILCHAR  
DIST. CACHAR  
ASSAM  
PIN 78800

**Advocate for the Petitioner** : MR. JUNM LASKAR

**Advocate for the Respondent** : SC, WATER RESOURCE

## **BEFORE**

**HON'BLE MR. JUSTICE DEVASHIS BARUAH**

31.05.2023

Heard Mr. S. M. Zinna, the learned counsel for the petitioners and Mr. B. Goswami, the learned Additional Advocate General appearing on behalf of the respondent Nos.1 to 4.

2. The instant writ petition was filed challenging the decision to allot the work order in favour of the respondent No.5, although at the relevant point of time, the formal work order was not issued.

3. This Court vide an order dated 23.05.2023, taking into account the

submission of the learned Additional Advocate General to the effect that the tender which was issued was viable at that point of time but the Water Resources Department in view of the pendency of the instant writ petition and the order dated 06.10.2021 whereby the parties were directed to maintain status-quo, granted a short accommodation to take instructions as to whether the Water Resources Department would go ahead with the said tender taking into account that the work in respect to the said tender, in the mean time, has become unviable as submitted. Accordingly, this Court fixed the matter today.

4. The learned Additional Advocate General today has produced an instruction dated 23.05.2023 issued to him by the Chief Engineer, Water Resources Department wherein it has been mentioned that the work order could not be issued in view of the interim order passed by this Court. It was further mentioned that as reported by the Additional Chief Engineer, Water Resources Department, Barak Valley W.R. Zone, Silchar, the scope of the work had changed due to change in the river configuration and change of rates. Therefore, the work intended to be executed from the earlier Administrative Approval could no longer be executed for which the Department wants to submit the proposal afresh as per the present river configuration and prevailing rates. Under such circumstances, it was further instructed to the learned Additional Advocate General that this Court be informed that the Department wishes to cancel the above tender so that the proposal can be prepared afresh. The said instructions so placed is kept on record and marked with the letter "X".

5. Taking into account the said instructions and as the Water Resources Department is of the opinion that it would not be viable to go ahead with

the said tender, nothing remains to be decided in respect to the instant writ petition.

6. Accordingly, the instant writ petition stands closed.

7. However, the authority is at liberty to proceed with a fresh tender, if so advised.

**JUDGE**

**Comparing Assistant**