

GAHC010254122024



2024:GAU-AS:11851

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

Case No. : WP(C)/6344/2024

FLEXITUFF DIRD JV
THROUGH AUTHORISED REP. MR. RAMAN GOSWAMI, 3RD FLOOR, H.NO-
5, TARINI BUILDING, LACHIT NAGAR CHARIALI, G.S ROAD, GUWAHATI,
ASSAM, PIN-781007

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-06.

2:WATER RESOURCE DEPARTMENT
GOVERNMENT OF ASSAM
ASSAM WATER CENTRE
5TH FLOOR
BASISTHA CHARIALI
GUWAHATI
ASSAM
PIN-781029

THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06.

3:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
GOVERNMENT OF ASSAM
ASSAM WATER CENTRE
5TH FLOOR
BASISTHA CHARIALI
GUWAHATI
ASSAM
PIN-781029

4:THE ADDL. CHIEF ENGINEER
EAP WATER RESOURCE DEPARTMENT
GOVERNMENT OF ASSAM
ASSAM WATER CENTRE
5TH FLOOR
BASISTHA CHARIALI
GUWAHATI
ASSAM
PIN-78102

Advocate for the Petitioner : MR. D S SINGH, MR. D DAS SR. ADV,MR A I TALUKDAR,MS. P SULTANA,MR. A K SINGH

Advocate for the Respondent : GA, ASSAM, SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 29-11-2024

Heard Mr. D Das, learned senior counsel assisted by Mr. A Singh, learned counsel for the petitioner. He prays that he may be allowed to withdraw the writ petition, with liberty to file the same before the appropriate forum.

Ms. K Deka, learned counsel appears for the Water Resource Department while Ms. U Das, learned counsel appears for the respondent No. 1.

The matter pertains to the termination of the petitioner's contract, on the ground that the Bank Guarantees submitted by the petitioner are fake Bank Guarantees, which have apparently been reflected in the letter dated 01.08.2024 issued by the Chief Engineer, Water Resources Department, Government of Assam. The petitioner's counsel submits that the basis for the

respondents coming to a finding that the Bank Guarantees are fake have not been given to the petitioner. As such, the principles of natural justice has been violated.

On the other hand, the respondents' case is that the Bank has issued a letter clarifying that the Bank Guarantees submitted by the petitioner are fake and that the Bank did not issue the Bank Guarantees.

The prayer of the petitioner's counsel is allowed.

Accordingly, the writ petition is dismissed as withdrawn, with liberty as prayed for.

JUDGE

Comparing Assistant