

GAHC010024572022



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

Case No. : WP(C)/1170/2022

NIHARENDU BHATTACHARJEE
S/O LATE NRIPENDRA KR. BHATTACHARJEE, R/O CR AVENUE, NEAR
NORTHEASTERN H.S. SCHOOL, SILCHAR, PIN-788012

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, MUNICIPAL ADMINISTRATION, DISPUR,
GUWAHATI-781006

2:SILCHAR MUNICIPAL BOARD
REPRESENTED BY ITS CHAIRMAN
SADAR GHAT
SILCHAR
PIN-788001
CACHAR
ASSAM

3:ADDITIONAL DEPUTY COMMISSIONER
O/O THE EXECUTIVE OFFICER
SILCHAR MUNICIPAL BOARD
SADAR GHAT
SILCHAR
PIN-788001
CACHAR
ASSAM

4:DIRECTOR
TOWN AND COUNTRY PLANNING
ASSAM
DISPUR

GUWAHATI-781006
ASSA

Advocate for the Petitioner : MR. B CHAKRABORTY, P AGARWAL, MRS P HAZARIKA, MR. S P BHATTACHARJEE

Advocate for the Respondent : GA, ASSAM, MR. S DUTTA (r-2), MR S DUTTA (r-2)

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

19.02.2026

Heard Shri B. Chakraborty, learned counsel for the petitioner. Also heard Shri J. Handique, learned State Counsel, Assam as well as Shri Sishir Dutta, learned Senior Counsel for the Silchar Municipal Corporation (erstwhile Silchar Municipal Board) assisted by Shri S. Shome, learned counsel.

The subject matter pertains to a tender for construction of a Multi Utility Building consisted of two blocks. Briefly stated, it is contended on behalf of the petitioner that there were two distinct blocks, viz, Block-A and Block-B and so far as the Block-B is concerned, the construction is done in its entirety and the amount has been released to the petitioner. However, so far as the Block-A is concerned, due to non-handing over of the clear site, the work could not proceed and in the meantime, the stipulated period of 24 months have expired. The petitioner claims to have made several representations, including an offer to complete the other Block within an extended time and after consideration of his prayer for escalation.

Shri Dutta, learned Senior Counsel has, however, strenuously disputed the projection made by the petitioner.

Be that as it may, taking into consideration the facts and circumstances and also the aspect that the construction in question involves public interest, this Court is of the opinion that an attempt be made for resolution of the dispute through mediation.

This Court, accordingly directs the parties to make an attempt for resolution by mediation. The learned Mediator is required to be appointed by the concerned District Judge, Cachar from the list of the Mediators.

To facilitate an effective consideration, let a scanned copy of the entire case records be transmitted to the Office of the learned District Judge, Cachar for placing it before the appointed Mediator. The parties who are represented before this Court are directed to appear before the learned Mediator on 09.03.2026 prior to which, the aspect of assigning the matter to the particular Mediator is to be completed by the learned District Judge. The learned Mediator is required to prepare a preliminary report and transmit the same to this Court through the office of the learned District Judge before the next date fixed which is 01.04.2026, depending upon which, further orders would be passed.

List accordingly.

JUDGE

Comparing Assistant