

GAHC010214532025



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

Case No. : I.A.(Civil)/3144/2025

SRI RANJIT BARUAH
SON OF LATE PURENDRA NATH BARUAH, PROPRIETOR OF MS RANJIT
BARUAH, NATUN TEKELA GAON, AT ROAD, MOHANAGHAT, DIBRUGARH
786006

VERSUS

MS INDIRA ENTERPRISE
PITHAKHAWA P.O. PITHAKHOWA DISTRICT- SONITPUR, ASSAM PIN-
784153, REPRESENTED BY SRI DIGANTA KUMAR NATH

2:SRI DIGANTA KUMAR NATH
PROPREITOR
M/S INDIRA ENTERPRISE
SON OF LATE NANDARAM NATH
RESIDENT OF VILLAGE- BIHAGURI
TEZPUR
DISTRICT- SONITPUR
ASSAM PIN-784153

3:THE STATE OF ASSAM
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR GUWAHATI- 781006

4:THE DIRECTOR OF MEDICAL EDUCATION
SIXMILE
ASSAM

5:THE PRINCIPAL CUM CHIEF SUPERINTENDENT
NAGA ON MEDICAL COLLEGE AND HOSPITAL
LAOKHOWA ROAD MOHKHULI CHARIALI

DIPHALU NAGAON
ASSAM
PIN- 783002

6:THE SUPERINTENDENT
NAGAON MEDICAL COLLEGE AND HOSPITAL
LAOKHOWA ROAD MOHKHULI CHARIALI
DIPHALU NAGAON
ASSAM
PIN- 78300

Advocate for the Petitioner : MR. C TALUKDAR, A GAUTAM,MR. S K DEKA,MR. S SARMA,MR. J DEKA,ARUNABH SARMA

Advocate for the Respondent : SC, HEALTH,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

25.09.2025

Mr. J. Deka, learned counsel for the applicant/respondent No. 5. Also heard Mr. A.K. Baruah, learned counsel for the writ petitioner No.1/opposite party, Mr. D. Bora, learned Standing Counsel, Health.

2. By way of this interlocutory application, the applicant/respondent No. 5 is seeking vacation of the order dated 04.04.2025 passed by this court in WP(C)/5479/2024. The order dated 04.04.2025 reads as under:

“ORDER

Date: 04.04.2025

Heard Mr. A.K. Baruah, learned counsel for the petitioners. Mr. D.P. Bora, learned standing counsel, Health Department, submits that the contract agreement entered with the petitioners on 3rd April, 2023 was for a period of 2 (two) years w.e.f. 23.02.2023. In terms of the said contract agreement, the period of contract to the petitioners

with regard to supply of dietary articles to the in-patients of Nagaon Medical College & Hospital, Nagaon, expired on 22.02.2025 and therefore, the petitioners have no right to continue with supply of the dietary articles to the in-patient in the said hospital beyond 23.02.2025.

This Court has also perused the Order dated 28.10.2024, wherein the status-quo order was passed after taking into consideration that the petitioners' agreement would only expire on 22.02.2025. Today, there is no valid agreement with the petitioners for the supply of dietary articles in the said hospital inasmuch as the agreement dated 3rd April, 2023 has expired on 22.02.2025. In that view of the matter, the Status-quo Order passed on 28.10.2024 is vacated.

The authorities of the Nagaon Medical College & Hospital, Nagaon are permitted to make alternative arrangements for supply of dietary articles to the in-patients in the said hospital. However, this Court makes it clear that the respondents shall not finalize the NIT dated 18.11.2023 till the next returnable date.

In the meantime, await service report on the respondent No. 5.

List this matter after 3 (three) weeks."

3. It appears that this court upon the premise that the respondents have not finalized the subject NIT dated 08.11.2023 on that date while vacating status-quo order dated 28.10.2024, permitted the authority of the Nagaon Medical College & Hospital, Nagaon to make alternative arrangements for supply of dietary articles to the in-patients of the said hospital. It was further clarified that the respondents shall not finalize the said NIT dated 08.11.2023 till the next returnable date.

4. The present interlocutory application is filed by the respondent No.5/applicant to modify the said order dated 04.04.2025 to the extent that the respondents were permitted to make alternative arrangements for supply of dietary articles to the in-patients in the said hospital and not to finalize the NIT dated 18.11.2023 till the next

returnable date is concerned. It appears from the documents enclosed to the interlocutory application that the subject NIT was already finalized before the date of passing the aforesaid order, i.e., 04.04.2025. It appears that on 21.10.2024 the Principal-cum-Chief Superintendent, Nagaon Medical College & Hospital, Nagaon issued the work order to the applicant/respondent No. 5 for starting dietary services for patients of Nagaon Medical College & Hospital, Nagaon. It further appears that thereafter the applicant/respondent No. 5 submitted the requisite documents by letter dated 23.10.2024 before the Principal-cum-Chief Superintendent, Nagaon Medical College & Hospital, Nagaon with duly signed original agreement in the appropriate format and also deposited the requisite security deposit. It further appears that pursuant to the aforesaid, an agreement was executed on 01.11.2024 between the Principal-cum-Chief Superintendent, Nagaon Medical College & Hospital, Nagaon, and the applicant/respondent No. 5.

5. A perusal of the aforesaid document makes it abundantly clear that the respondent has already finalized the said NIT dated 08.11.2023 with the applicant/respondent No. 5 prior to the passing of the order dated 04.04.2025.

6. Mr. A.K. Baruah, learned counsel appearing for the writ petitioner No.1/opposite party seeks 1 (one) week's time to file objection to the interlocutory application. It appears that the copy of the interlocutory application was served upon Mr. Baruah, learned counsel, on 17.09.2025. However, considering the aforesaid request he is

accommodated till tomorrow to file objection, if so advised. In view of the public interest involved vis-à-vis the interest of the private parties, it is made clear that in the event objection as prayed for is not filed by the next date of listing the application shall be proceeded in accordance with law.

7. Let Mr. D. Bora, learned Standing Counsel, Health also obtain specific instruction as regards the finalization of the subject NIT dated 08.11.2023 and place the same positively by the next date of listing.

8. Re-list the matter on 26.09.2025.

JUDGE

Comparing Assistant