



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

Case No. : WP(C)/42/2024

M/S H. PUJOK AND SONS
BEARING NCSU REGD. NO. 1219 AND NPWD REGD. NO. 338
REPRESENTED BY ITS PROPRIETOR SHRI. H. PUJOK KONYAK
S/O HONGNAO
P/R OF MON
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND
TOURISM DEPT. NAGALAND KOHIMA

3:THE DIRECTOR
DIRECTORATE OF TOURISM
NAGALAND KOHIMA

4:THE ADDITIONAL DIRECTOR (CSS)
DIRECTORATE OF TOURISM
NAGALAND KOHIMA

5:THE EXECUTIVE ENGINEER
TOURISM DEPT. NAGALAND KOHIMA

6:THE FINANCE COMMISSIONER
FINANCE DEPT. NAGALAND KOHIMA

Advocate for : SENTIYANGER
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 5 ORS

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

25-05-2026

Heard Mr. Sentiyaner, learned counsel appearing on behalf of the petitioner. Also heard Mr. Moa Imchen, learned Government Advocate appearing on behalf of the State respondents.

2. The instant application had been filed by the petitioner claiming an amount of Rs. 18,66,368/- (Rupees Eighteen Lakhs Sixty Six Thousand Three Hundred and Sixty Eight only) which the petitioner is entitled for carrying out the work pertaining to 'Construction of Open-Air-Theatre with Green Room and Toilet Facility at Jakphang'.

3. Mr. Sentiyaner, learned counsel appearing on behalf of the petitioner submits that the work which was awarded to the petitioner was on the basis of a centrally sponsored scheme funded by the Ministry of Tourism, Government of India, as would be apparent from the affidavit-in-opposition filed by the respondent nos. 1 to 6 and, therefore, without the Ministry of Tourism, Government of India having been made a party, the petitioner would not be entitled to the relief as sought for.

4. The learned counsel for the petitioner further submitted that

based on the centrally sponsored scheme, the petitioner was issued a work order and, therefore, the doctrine of promissory estoppel as well as the principles of legitimate expectation are involved. However, such pleas were not raised in the writ petition, as it was not known to the petitioner. He, therefore submitted that the petitioner would be well advised to withdraw the writ petition, and again either re-file before this Court or approach the competent Court.

5. Taking into account the above, the instant writ petition stands closed on withdrawal. However, liberty is given to the petitioner to again approach this Court by removing the formal defects. In addition to that, the petitioner is also given liberty to approach the appropriate Civil Court, if so advised.

6. Taking into account that the petitioner had been diligently pursuing the instant proceedings under a bonafide belief that the amount to which the petitioner was claiming was an amount to be paid by the State respondents, it is observed that the period of pendency of the instant writ petition before this Court, i.e., w.e.f. 11.04.2024 till date, be excluded while computing the period of limitation; in the circumstance the petitioner approaches the competent Court of Civil Jurisdiction.

JUDGE