

HIGH COURT OF SIKKIM
Record of proceedings through Video Conferencing

W. P. (C) No.22 of 2019

CHANDRA SHEKHAR GAUTAM & ANR. ... PETITIONERS

VERSUS

STATE OF SIKKIM & ANR. RESPONDENTS

Date:21.10.2020

CORAM

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Petitioners : Ms. Rachhitta Rai, Advocate.

For Respondent : Mr. Vivek Kohli, Advocate General.
No.1 Ms. Yeshi Wangmoo Rinchen, Government
Advocate.

For Respondent : Mr. Simeon Subba, Advocate.
No.2.

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I.A. No.04 of 2020

This is an application for impleadment of Panchdeep Construction Limited filed by the petitioners. It is contended by Ms. Rachhitta Rai, learned counsel for the petitioners that at the time of the filing of the writ petition the petitioners were not aware as to who was the contractor. It was only when the respondent no. 1 filed its counter affidavit that they have come to learn that Panchdeep Construction Limited was the contractor. The learned counsel took this court through the prayers in the writ petition as well as the counter affidavit filed by the respondent no.1 and more specifically paragraph 8 thereof which reads:

“It is humbly submitted that since the entire cost of the project is borne by the contractor under PPP mode the allotment of shop room will be done by the contractor.”

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The learned counsel for the petitioners therefore, submits that Panchdeep Construction Limited is a necessary party. The learned Advocate General does not contest the impleadment sought for nor does Mr. Simeon Subba, learned counsel appearing for the respondent no.2. From the prayers in the writ petition and the counter affidavit filed by the respondent no.1, it is clear that Panchdeep Construction Limited is a necessary party. The application is therefore, allowed. I.A. No.04 of 2020 stands disposed of accordingly.

The necessary amendments consequent upon the impleadment shall be done within a period of one week from today.

Notice to the newly impleaded respondent shall be issued thereafter, subject to the requisites being filed by the petitioners.

Judge