VERDICTUM.IN

Serial No. 19
Regular List
MLHC010003772026

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C)/121/2026

Date of Decision: 11-11-2026
Uploaded on: 11-11-2026

North Eastern Security Service (NESS) Private Ltd., a Private limited company having its registered office at Thakuria Building, Suraj Nagar, Six Mile, P.O. Khanapara, Guwahati – 781022, Represented by its Managing Director Sri Sarat Kalita **…Petitioner(s)**

-Versus-

1.State of Meghalaya, represented by the Secretary to the Government of Meghalaya, Municipal Administration Department, Shillong, Meghalaya

2.The Secretary to the Government of Meghalaya, Municipal Administration Welfare Department, Shillong, Meghalaya

3.The Khasi Hills Autonomous District Council, represented by its Secretary, Shillong

4.Licensing Officer, Khasi Hills Autonomous District Council, Shillong

5.National Institute of Technology, Meghalaya, Saitsohpen, Sohra, Meghalaya – 793108

6.Registrar, National Institute of Technology, Meghalaya, Saitsohpen, Sohra, Meghalaya – 793108 **…Respondent(s)**

VERDICTUM.IN

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. S. Chakraborty, Adv.

For the Respondent(s) : Mrs. T. Yangi. B, AAG with
Ms. A. Thungwa, GA(For R 1&2)
Mr. H.L. Shangreiso, Sr. Adv. with
Ms. D. Lyngdoh, Adv. (For R 3&4)
Dr. R.P. Acharya, Adv. wit
Mr. S. Goenka, Adv. (For R 5&6).

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i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT (ORAL):

1. The petitioner, a private limited company engaged in the business of providing security services to various Government and Non-Governmental Institutions is before this Court with a prayer for directions for the issuance of a trading license under the United Khasi-Jaintia Hills District (Trading by Non-Tribals) Regulation, 1954.

2. The brief facts surrounding the matter are that the petitioner pursuant to a Notice Inviting Tender dated 30.06.2025, floated by the respondents No. 5 and 6, had bid for the same, and that one of the conditions in the NIT at Clause – 3 thereof, was that the agency must have a valid trading license issued by the KHADC under the provisions of the Trading by Non-Tribals Regulation. The petitioner it appears was successful in the bid and was

VERDICTUM.IN

awarded the work order on 10.12.2025, and on 16.01.2026, applied for inclusion of the new work order in an existing trade license, which had been issued to it for two works at Laitkor Peak and at EAC, Upper Shillong in the Kendriya Vidyalaya, Air Force Station. The said trading license had been issued on 21.10.2025, and was valid for a period till 31.03.2026. Thereafter, the application for inclusion was taken up for consideration by the Licensing Officer, KHADC and by letter dated 22.01.2026, who expressed that as the earlier trading license was not meant for the new work order, the said application should be rejected. Further, by another communication dated 23.01.2026, the Chief Executive Member addressed to the respondent No. 5, had written that the contract awarded to the petitioner should be cancelled and terminated, and that the KHADC would not entertain the petitioner for further trading license. It is also noted that a show-cause notice was also issued to the petitioner, as to why the earlier trading license dated 04.02.2026, should not be cancelled. The petitioner therefore being aggrieved with the chain of developments, after having been settled with the work order is before this Court by way of the instant writ application.

3. Mr. S. Chakraborty, learned counsel appearing for the petitioner has submitted that the clause in the NIT had only sought for a valid trading license, which the petitioner was given to understand will not be limited to the future work order, if settled and that in a bonafide belief had made the application on 16.01.2026, for inclusion of the new work order issued by

VERDICTUM.IN

the respondents No. 5 and 6, in the subsisting trading license. He further submits that both the communications by the Licensing Officer dated 22.01.2026 and the letter dated 23.01.2026, by the Chief Executive Member were never communicated to the writ petitioner, and as such, he was not aware about the same, to enable him to take any corrective action. It is further submitted that the irregularities that has been committed were due to bonafide belief and mistake, and he prays that as the contract is subsisting and 134 employees are dependent on the same for their livelihood, the petitioner be allowed to file a fresh application for issuance of a trading license for the concerned work.

4. Mr. H.L. Shangreiso, learned Senior counsel assisted by Ms. D. Lyngdoh, learned counsel appearing for the respondents No. 1 and 2 in reply, has submitted that it is clear from the face of the records itself, that the petitioner as mandated by the Regulation had not made a fresh application for a trading license with regard to the new work order, and that instead had sought to bypass the established procedure, by seeking inclusion of a fresh work order in the existing trading license for the other two unrelated works. The petitioner, he submits has abused the process and as such, deserves no consideration for grant of a trading license, notwithstanding the work order that has been issued and the work subsisting.

VERDICTUM.IN

5. Dr. R.P. Acharya, learned counsel for the respondents No. 5 and 6 has fairly submitted that in the consideration of the bids, the certificate issued by the KHADC dated 28.08.2025, was taken into consideration, wherein it is indicated that the trading license issued to the petitioner was valid for the year 2025-26, and that the license for the two work orders were also taken into consideration. However, he submits that the respondents No. 5 and 6, themselves by a communication dated 20.01.2026, had informed the petitioner that it was to submit a fresh, or renewed trading license for providing security services at NIT, Meghalaya. He therefore submits that on this premise, the work order was allowed to be continued by the petitioner, apart from the undertaking that the earlier personnel who were deputed should be retained for security services.

6. From the side of the State respondents No. 1 and 2, the learned AAG, Mrs. T. Yangi. B, has submitted that though the State respondents have no submissions or materials to place in this regard, in view of the facts as they have been portrayed, perhaps the District Council respondent in all fairness be directed to consider a fresh application, if made by the writ petitioner.

7. This Court on hearing the learned counsel for the parties and on examination of the materials as placed, notes that firstly it is undisputed that the petitioner is in possession of a valid trading license for two work orders. As mentioned in the trading license itself, the same has been captioned under Type of Business that is, providing services of 3 Nos. of Security

VERDICTUM.IN

Guard and 3 Nos. of Sweepers at Laitkor Peak and Security Guards at Kendriya Vidyalaya, Air Force Station. A perusal of the conditions in the bid document would show that one of the basic requirements, as earlier mentioned, was that the agency must have a valid trading license issued by the KHADC under the Regulation. The events that transpired thereafter however, would show that the petitioner instead of seeking a fresh trading license for the new work order, had sought inclusion of the same in the subsisting trading license, which to the mind of this Court is impermissible.

8. The United Khasi-Jaintia Hills District (Trading by Non-Tribals) Regulation, 1954, has provided the procedure and conditions for granting or refusing a license at Section – 3A and Section – 6 thereof, and the petitioner being well aware of the stipulation contained therein, it is not understood as to how instead of a fresh application being made, had sought for inclusion of the new work order in the subsisting trading license. Though this has sought to be explained by the petitioner that as one trading license had been issued for two work orders, the same would be possible, this explanation is also not accepted by this Court, inasmuch as, a fresh application would entail payment of requisite fees, apart from inclusion of all the details pertaining to the said work order.

9. A pertinent fact however, that this Court notices is that, in the consideration by the respondents, the rejection by the Licensing Officer, KHADC and the declaration that the petitioner had committed a fraud on

VERDICTUM.IN

the institution was never communicated, nor the petitioner afforded any opportunity to represent against the same, or to show under what circumstances, no fresh application had been made. The fact however, that this Court notes is that a copy of both the letters which have been mentioned earlier i.e. dated 22.01.2026 by the Licensing Officer and the letter dated 23.12.2026, by the CEM alleging fraud, was never supplied to the petitioner has not been denied by the respondents. Further, it is observed that if the respondent District Council had deemed it fit to deny the writ petitioner, the license on the grounds so stated, the same should have been communicated in no uncertain terms, instead of taking recourse to show-cause the petitioner on 04.02.2026 for the license that had been validly granted on the earlier occasion. The Regulation has also provided that Section 8 thereof, the manner in which a license can be cancelled. As such, in the opinion the Court, the action taken by the KHADC in issuing the show-cause dated 04.02.2026 at this juncture, deserves no consideration by this Court in the instant writ petition.

10. Coming back to the matter in question, in view of the circumstances surrounding the case, coupled with the fact that the petitioner was never communicated with the proposed rejection and the allegation of fraud, which in the opinion of this Court has also cast a stigma, it is therefore provided that the respondents on an application being made, shall consider

VERDICTUM.IN

the issuance of fresh trading license to the petitioner strictly in accordance with law.

11. It is further provided that the petitioner is also permitted to make representation against the allegation of fraud as contained in the letter dated 23.01.2026, which the respondents shall also give due consideration. The petitioner is therefore directed to put in a fresh application within a period of 15(fifteen) days from the date of this order, and the respondents to consider the same strictly in accordance with law and the Regulation, thereafter.

12. Matter accordingly stands closed and disposed of.

13. Until further orders are passed by the competent authority, the interim orders passed shall continue.

JUDGE

Meghalaya
11-11-2026
"D.Thabah-PS"