

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

WA No. 05/2025

TT ENERGY PRIVATE LIMITED

APPELLANT (S)

VERSUS

PRINCIPAL CHIEF ENGINEER CUM SECRETARY,
ENERGY AND POWER DEPARTMENT,
GOVERNMENT OF SIKKIM & ANR.

RESPONDENT (S)

For Appellant : Mr. Karma Thinlay, Senior Advocate with Mr. T.R. Barfungpa, Mr. Pranav Malhotra, Mr. Zamyang N. Bhutia and Ms. Parvin Manger, Advocates.

For Respondents : Mr. Thinlay Dorjee Bhutia and Mr. Yadev Sharma, Government Advocates.

Date: 13/11/2025

CORAM:
HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

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ORDER : (per the Hon'ble, the Chief Justice)

This is an Intra-Court Mandamus Appeal (wrongly described as a Letters Patent Appeal) preferred by the writ petitioner, in respect of an order dated 30th October, 2025, passed by the learned Single Judge, in I.A. No. 01 of 2025, connected to WP(C) No. 68 of 2025 (TT Energy Private Limited Vs. Principal Chief Engineer-cum-Secretary, Energy and Power Department, Government of Sikkim & Another).



By the impugned order, the learned Single Judge proceeded to dismiss the interlocutory application wherein the writ petitioner was seeking some *ad interim* relief, primarily on the ground that the writ petitioner has failed to come to Court with clean hands.

After perusing the pleadings which were considered by the learned Single Judge, we are of the view that there has been no gross suppression of material facts inasmuch as the writ petitioner has disclosed the material fact of invoking the arbitration clause, which appears from the averments made in paragraphs w,

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x and y of the writ petition (page no. 226 of the appeal papers). The prayer for an *ad interim* stay made before the learned Single Judge by the appellant/writ petitioner was in respect of a Request for Proposal (RFP) dated 19th September, 2025, whereby, application/proposal for development of Ting Ting Hydroelectric Project on river, Rathong Chu, on 'as is where is' was invited by the respondent no. 1, being the Principal Chief Engineer-cum-Secretary, Energy and Power Department, Government of Sikkim and the consequent bidding process, during pendency of the writ petition.

We are of the view that although there should not be any blanket order of stay — in the manner as prayed for by the writ petitioner — if any application/proposal is tendered by any third party and consequent thereto further steps are taken by the respondent no. 1, the same shall abide by the result of the writ petition, which shall be disposed of as expeditiously as possible by the learned Single Judge after hearing the parties. For the purpose of expediting hearing of the writ petition, we direct the respondents to file their affidavit-in-opposition to the writ petition within three (03) weeks from date; reply thereto, if any, within a fortnight thereafter and the matter, being WP(C)No. 68 of 2025, be listed for hearing immediately after the winter vacation.

We make it clear that while finally deciding the writ petition, the learned Single Judge shall not be prejudiced by any observation made hereinabove in any manner.

The writ appeal, being W.A. No. 05 of 2025, alongwith the connected application, being I.A. No. 01 of 2025, stands disposed of accordingly.

(Bhaskar Raj Pradhan)
Judge

(Biswanath Somadder)
Chief Justice

jk/bp/ami