

GAHC040005902023



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

Case No. : IA(C) 79/2023

1:M/s Donyi Polo Multi Purpose Cooperative Society Ltd.
Aalo, West Siang District, Arunachal Pradesh.
Represented by its Power of Attorney Holder, Shri Jarkar Gamlin. Mobile
9436040320

VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Commissioner/Secretary, Food and Civil Supplies Department,
Govt. of Arunachal Pradesh, Itanagar.

2:the Food Corporation of India
Represented by the General Manager (Sr. Regional Manager)
Food Corporation of India
Regional Office
G. S Road
Ulubari
Guwahati
Assam.

3:the Director
Food and Civil Supplies Department
Govt. of Arunachal Pradesh
Naharlagun.

4:The Deputy Commissioner
West Siang District
Aalo
Arunachal Pradesh

Advocate for the Petitioner : Tony Pertin

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE S.K.MEDHI**

ORDER

Date : 09.05.2023

Heard Mr. T. Pertin, learned counsel for the applicant.

By filing this interlocutory application, the applicant has sought for a clarification of the order dated 09.06.2022 passed by this Court in WP(C)/101(AP)/2022.

The writ petition pertains to a claim for the release of the balance contractual bill. It is the case of the petitioner that out of the total bill of Rs. 15,24,88,680/-, an amount of Rs. 5 crore was paid to the petitioner and the outstanding amount was Rs.10,24,88,680/-. This Court has also recorded in the order dated 09.06.2022 that the claim of the petitioner was not opposed or disputed by the respondents. This Court has accordingly made the following directions:

"In view of the above, the instant writ petition is disposed of by directing the State respondents to take immediate steps for release of the outstanding balance of Rs. 10,24,88,680/-. The amount be released as expeditiously as possible and in any case within an outer

limit of 6(six) months from the date of receipt of the certified copy of this order. Failure on the part of the State respondents to make the payment within the time framed by this Court would entitle the petitioner to approach the appropriate forum for payment of further interest."

The learned counsel, Shri Pertin has submitted that till date the amount has not been paid and therefore, the observation towards payment of interest would now be effective. However, there is a little confusion regarding the date from which the interest is to be reckoned.

Also heard Shri S. Tapin, learned Senior Government Advocate.

After hearing the learned counsels for the parties, this Court clarifies the order that the direction for payment of the interest was itself done in the said order as further interest. In other words, the interest has to be reckoned from the date of expiry of the time for making the balance payment i.e., 6 months from the date of receipt of the certified copy of the order.

At this stage, Shri Pertin, learned counsel for the applicant has submitted that vide communication dated 10.06.2022 itself, the certified copy was forwarded to the concerned respondents.

In view of the above, the interest would accrue from 11.12.2022. The rate of interest would be the current lending rate of a nationalized bank.

I.A stands disposed of.

JUDGE

Comparing Assistant