

GAHC010013142020



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

Case No. : WP(C)/405/2020

M/S. RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX, ULUBARI CHARIALI, KAMRUP (M), GUWAHATI-781007,
ASSAM REP. BY ONE OF ITS DIRECTORS RANA ZAMAN, S/O. ALHAZ
RAHMAN ALI, R/O. HOUSE NO.62, RAHMAN MANSION, SOUTH SARANIA,
P.O. ULUBAI, DIST. KAMRUP (M), ASSAM, GUWAHATI-781007.

VERSUS

THE UNION OF INDIA AND 3 ORS.
REP. BY THE MINISTRY OF FOOD AND CIVIL SUPPLIES, NEW DELHI.

2:THE FOOD CORPORATION OF INDIA

REP. BY THE CHAIRMAN CUM MANAGING DIRECTOR BARAKHAMABA
ROAD
NEW DELHI-06.

3:THE GENERAL MANAGER (REGION)

FOOD CORPORATION OF INDIA
REGIONAL OFFICE
ASSAM REGION
G.S. ROAD
ULUBARI
GUWAHATI-781007.

4:THE AREA MANAGER

FOOD CORPORATION OF INDIA
AREA OFFICE
G.S. ROAD
ULUBARI
GUWAHATI-781007

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

21.04.2023

Heard Shri R.M. Deka, learned counsel for the petitioner. Also heard Shri P.K. Roy, learned Senior Counsel for the FCI assisted by Shri S.K. Chakraborty, the learned counsel.

Considering the dispute in question and as agreed to by the learned counsel for the parties, this writ petition is taken up for disposal at the admission stage.

The projected case of the petitioner is that pursuant to a tender notice by the FCI for transportation of food grains / sugar / allied materials from Ex-Railway Siding New Guwahati / FCI FSD New Guwahati Complex to FCI FSD Hailakandi via weighbridge upto 16.06.2012 i.e., about 14 months, the petitioner had participated in the said process and had paid the Earnest Money Deposit for an amount of Rs.9,41,700/- (Rupees Nine Lakh Forty One Thousand Seven Hundred) vide Demand Draft No. 246846 dated 19.04.2011 of the State Bank of India, Commercial Branch, Guwahati - 781006. As per the Clause of the NIT, more specifically Clause 4, if the bid of a particular bidder was disqualified, the Earnest Money was to be deposited.

In the instant case, it is the case of the petitioner that vide communication dated 26.05.2011, the bid of the petitioner was declared to be disqualified. However, the Earnest Money Deposit was not refunded for which the petitioner had represented by filing representations including one dated 12.10.2019.

However, none of the representations including the last one dated 12.10.2019 has been responded to.

Shri Deka, the learned counsel for the petitioner submits that a direction be issued for consideration and disposal of the representation in accordance with law.

Shri P.K. Roy, the learned Senior Counsel for the FCI has submitted that an affidavit-in-opposition has been filed by the Corporation on 04.04.2022. The learned Senior Counsel, however, fairly submits that without going into the merits of the rival parties, the matter may be disposed of with a direction to the appropriate authorities of the Corporation to consider and pass speaking orders on the representation dated 12.10.2019.

Both the counsel for the parties have also submitted in tandem that similar matters have been dealt with by this Court including WP(C)/341/2020 wherein an order has been passed on 22.01.2020 directing consideration and disposal of the representation.

Following the aforesaid order passed by this Court, the instant writ petition is disposed of with a direction to the respondent no. 3 to take on board the representation dated 12.10.2019 and consider the same and pass a speaking order and take steps for redressal / grievance of the petitioner in accordance with law.

The aforesaid exercise as directed above be completed expeditiously and preferably within an outer limit of 2 (two) months from today.

JUDGE

Comparing Assistant