

GAHC010180072023



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

Case No. : WP(C)/4733/2023

G B CHOWDHURY HOLDINGS PVT LTD
A COMPANY REGD UNDER THE COMPANIES ACT 1956 HAVING ITS REGD.
OFFICE AT SARUMOTORIA, OPP. DISPUR CAPITAL COMPLEX, DISPUR,
GUWAHATI-06.

REP. BY ITS DIRECTOR, SUJATA GURUNG CHOWDHURY

VERSUS

THE FOOD CORPORATION OF INDIA AND 2 ORS (E)
REP. BY ITS CHAIRMAN CUM MANAGING DIRECTOR, BARAKHAMBA
ROAD, NEW DELHI-110006

2: THE GENERAL MANAGER (R)

REGIONAL OFFICE
ASSAM REGION PALTANBAZAR
GUWAHATI-781008.

3: ASSISTANT GENERAL MANAGER
FOOD
CORPORATION OF INDIA

REGIONAL OFFICE
ASSAM REGION PALTANBAZAR
GUWAHATI-781008

Advocate for the Petitioner : MR. B CHAKRABORTY

Advocate for the Respondent : SC, F C I

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

17.08.2023

The petitioner herein has challenged the demand notice dated 04.08.2023 whereby the petitioner is directed to deposit an amount of Rs.2.11 crores to the Food Corporation of India (FCI) within fifteen days from the date of issuance of the said demand notice.

2. It is also seen from a perusal of the said demand notice that if the petitioner fails to deposit the said amount, the same would be recovered by adjusting against the available security deposit (SD & BG)/running bills from other contracts with FCI.

3. Mr. B. Chakraborty, the learned counsel for the petitioner submits that the petitioner presently has various contracts with the FCI, and as such, the said demand so imposed would be illegally recovered from the running bills/security deposits lying with the FCI. The learned counsel for the petitioner further submitted that the demand notice dated 04.08.2023 is also in violation to the principles of natural justice in as much the said demand notice has been issued without even giving any opportunity to the petitioner to explain.

4. Mr. B. K. Singh, the learned counsel appearing on behalf of the FCI, however, submits that there is a Grievance Redressal Committee of the FCI wherein all these issues so raised by the petitioner can very well be adjudicated. The learned counsel appearing on behalf of the FCI further submits that the allegation of the petitioner is that no opportunity of hearing has been granted prior to the issuance of the demand notice. The

said grievance of the petitioner can also be raised before the said Grievance Redressal Committee of the FCI.

5. Mr. B. Chakraborty, the learned counsel for the petitioner submits that the petitioner has no objection in approaching the Grievance Redressal Committee of the FCI, however, during the pendency of the said proceedings before the Grievance Redressal Committee, the demand notice dated 04.08.2023 should not be acted upon. He further submitted that he would submit the necessary representation before the Grievance Redressal Committee of the FCI by 30.08.2023.

6. Taking into account the above submission, this Court disposes of the instant writ petition thereby giving the liberty to the petitioner to approach the Grievance Redressal Committee of the FCI within 30.08.2023.

7. The Grievance Redressal Committee of the FCI thereupon shall give the petitioner a reasonable opportunity of hearing and pass appropriate order as deemed proper within a period of 60 (sixty) days from the date of submission of the representation.

8. This Court further directs that if within the time stipulated above, the petitioner submits representation, then till the disposal of the representation, the demand notice dated 04.08.2023 shall remain suspended.

9. With the above observation and direction, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant