

GAHC010181732019



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

Case No. : WP(C)/5542/2019

M/S. AGRI DEVELOPMENT CENTER
A PROP FIRM HAVING ITS REGD OFFICE AT 252, RAJGARH ROAD, 3RD
FLOOR, GUWAHATI, ASSAM AND DULY REP. BY ITS PROP MR. MOHANLAL
GOYAL

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE ADDL CHIEF SECRETARY AND AGRICULTURE PRODUCTION
COMMISSIONER, AGRICULTURE DEPTT, GOVT OF ASSAM, BLOCK-E,
FIRST FLOOR, ASSAM (CIVIL) SECRETARIAT, DISPUR, GUWAHATI- 06,
ASSAM

2:THE DIRECTOR
DEPTT OF AGRICULTURE
ASSAM
KHANAPARA
GUWAHATI- 781022
ASSAM

3:THE JOINT DIRECTOR OF AGRICULTURE (C AND F)
AGRI DEPTT
DEPTT OF AGRICULTURE
ASSAM
KHANAPARA
GHY- 22
ASSAM

4:BRAHMAPUTRA VALLEY FERTILIZER CORP LTD
HAVING ITS REGD OFFICE AT H NO. 21(GROUND FLOOR)
USHA NAGAR PATH
NEAR SUPER MARKET

DISPU

For the Petitioner(s) : Mr. A. Chetia, Advocate

For the Respondent(s) : Mr. K. Kalita, Advocate
: Ms. G. Bora, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 07.08.2023

1. The Petitioner herein has approached this Court being aggrieved by the suspension of his Wholesale ID which was issued to him after the Petitioner was issued license under the provisions of the Fertilizer (Control) Order, 1985.
2. The basic case of the Petitioner herein is that the suspension of the said Wholesale ID by which the entire business of the Petitioner had come to a standstill was without following due process and also in violation to the principles of natural justice.
3. It appears on records that this Court vide an order dated 09.08.2019 issued notice and further directed the Respondent Nos. 2, 3 and 4 to restore the Wholesale ID of the Petitioner within two days from the date of receipt of the certified copy of the order. Further to that liberty was also granted to the Respondent Authorities to take further action in the matter in accordance with law after serving proper show cause notice upon the Petitioner.
4. The learned counsel appearing on behalf of the Petitioner submits that

pursuant to the order dated 09.08.2019, the Wholesale ID of the Petitioner was restored and the Petitioner is presently carrying on his business. He further submits that there has been no further steps taken by the Respondent Authorities thereafter.

5. This Court further finds it relevant to take note of the affidavit-in-opposition filed by the Respondent No.4 and more particularly to paragraph Nos. 4 and 5 wherein it has been mentioned that the suspension of the Wholesale ID of the Petitioner was on the basis of an E-mail received from the Respondent No.3 and the Respondent No.4 took that action taking into account that Respondent No.4 was bound by the orders passed by the Respondent No.3.

6. Taking into account that without a Wholesale ID, the petitioner would not be in a position to carry out his business and consequently the suspension of the Wholesale ID entails civil consequences. Under such circumstances the Respondent Authorities more particularly the Respondent Nos. 3 and 4 ought to have taken the steps of suspension by providing the Petitioner an opportunity of hearing.

7. In that view of the matter, as admittedly the principles of natural justice was not adhered to and the Respondent No.4 had also admitted in the affidavit-in-opposition that it was just on the basis of an E-mail received from the Respondent No.3 for which the Wholesale ID of the Petitioner was suspended, this Court sets aside the action on the part of the Respondent No.4 to suspend the Wholesale ID of the Petitioner.

8. Accordingly, the instant writ petition therefore stands allowed.

9. Before parting with the records, this Court finds it relevant to observe that

if the Respondent Authorities have reasons to suspend or cancel the Wholesale ID of the Petitioner, they can do so only by providing a reasonable opportunity of hearing to the Petitioner.

JUDGE

Comparing Assistant