

GAHC010233742023



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

Case No. : WP(C)/6154/2023

BILPAR DHUKAR YUVA PARISHAD (NGO)
REPRESENTED BY ITS GENERAL SECRETARY/ AUTHORISED SIGNATORY
SRI. MOBZZIL HUSSAIN BARBHUIYA,
AGE-38 YEARS, OFFICE ADDRESS- BOTERTOL, MEHERPUR,
DIST.- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
SOCIAL WELFARE DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DIRECTOR
SOCIAL WELFARE DEPARTMENT (WOMEN AND CHILD DEVELOPMENT)
GOVT. OF ASSAM
UZAN BAZAR
GUWAHATI-1.

4:THE DISTRICT COMMISSIONER
DIST.- CACHAR
SILCHAR
ASSAM.

5:THE DISTRICT SOCIAL WELFARE OFFICER
DIST.- CACHAR
SILCHAR
ASSAM

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 17-10-2023

Heard Mr. M.H. Laskar, learned counsel for the petitioner; Mr. R.M. Baruah, learned counsel representing Mr. A. Chaliha, learned Standing Counsel, Finance Department for the respondent no. 2; and Mr. G. Bokolial, learned Junior Government Advocate, Assam for the respondent nos. 3 & 4.

2. Mr. Bokolial, learned Junior Government Advocate, Assam has submitted that the erstwhile Social Welfare Department has since been bifurcated into [i] the Social Justice and Empowerment Department and [ii] the Women and Child Development Department. The subject-matter involved in this writ petition pertains to the Women and Child Development Department.

3. The petitioner, a registered Non-Government Organization [NGO], was issued an Work Order for running a 'One Stop Centre' [OSC] after being selected in a selection process undertaken by the office of the Deputy Commissioner, Cachar by publication of a Notice Inviting Request for Proposal [RFP] dated 19.08.2021. After being so selected, the petitioner NGO was allowed to run the 'One Stop Centre' in the district of Cachar as per the terms and conditions mentioned in the Work Order dated 07.09.2021. As per the said Work Order, the duration of the assignment was 12 [twelve] months from the date of signing of the agreement. As per the Work Order, the petitioner NGO for running the 'One Stop Centre' had to raise bills for payment before the jurisdictional Deputy Commissioner. The Work Order further indicated that the payment would be made as per the conditions of the agreement and subject to availability of fund.

4. On 01.11.2022, the respondent no. 5, by Communication of even date, informed the petitioner NGO to the effect that the term of the agreement to run the 'One Stop Centre' would not be extended beyond 1 [one] year and the petitioner NGO was requested to submit their pending bills and vouchers of the expenditure incurred to run the 'One Stop Centre' from the period from February, 2022 till 1st of November, 2022 to the respondent no. 5 for reimbursement of the same, provided there was availability of fund. Though the petitioner NGO had submitted the bills amounting to ₹ 5,74,476/- before the Deputy Commissioner, Cachar [the respondent no. 4] the office of the Deputy Commissioner did not disburse the said amount.

5. Aggrieved by non-disbursal of the amount of ₹ 5,74,476/- and non-renewal of the term of the agreement beyond 1 [one] year, the petitioner had submitted Representations before the Deputy Commissioner, Cachar on 23.08.2023 and before the Directorate of erstwhile Social Welfare Department, Assam [presently, Directorate of Women and Child Development, Assam] i.e. the respondent no. 3. Alleging that the Representations were considered by the respondent authorities for a prolonged period, the writ petition has been preferred.

6. The Work Order dated 07.09.2022 itself had provided for a dispute redressal mechanism in Clause X. Clause X of the Work Order reads as under :-

[X] Any disputes arising between your agency and the office of the Deputy Commissioner, Cachar shall be referred to the Director, Social Welfare, Assam, who in turn will appoint an arbitrator, whose decision will be final and binding on the consulting/research agency and Social Welfare Department.

7. Mr. Laskar has submitted that the petitioner is, at this stage, not pressing the present the writ petition, in order to avail the remedy of arbitration by invoking the arbitration clause contained in Clause X of the Work Order dated 07.09.2021 as there are existing disputes between the petitioner and the Deputy Commissioner, Cachar. Mr. Laskar has submitted that the liberty may be reserved to the petitioner to approach again in the event either the office of the Deputy Commissioner, Cachar or the Director, Women and Child Development

Department, Assam does not act for appointment of an arbitrator in terms of the Clause X of the Work Order dated 07.09.2023.

8. In view of the above submission made by Mr. Laskar, this writ petition is closed, as the petitioner is contemplating to avail the remedy, as provided for in Clause X of the Work Order dated 07.09.2021. The petitioner will be at liberty to approach again in the event of any inaction on the part of the authorities to act in terms of the Clause X of the Work Order dated 07.09.2021.

JUDGE

Comparing Assistant