

GAHC010233792016



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

**Case No. : WP(C)/760/2016**

ASSAM BOUGHT LEAF TEA MANUFACTURERS ASSOCIATION and ANR  
REGD. UNDER THE SOCIETIES ACT. XXI OF 1860 WITH REGISTRATION  
NO.2186 OF 1994-1995 AND HAVING ITS HEAD OFFICE AT T.R. PHUKAN  
ROAD, OPP. SBI REGIONAL OFFICE, CHOWKIDINGHEE, DIBRUGARH,  
ASSAM- 786001.

2: MR. CHAND KR. GOHAIN

CHAIRMAN OF THE PETITIONER NO.1 ASSOCIATION  
S/O. LT. NARESWAR GOHAIN  
R/O. DIBRUGARH  
ASSAM-781001

VERSUS

THE UNION OF INDIA and 7 ORS  
REP. BY MINISTRY OF COMMERCE AND INDUSTRY DEPTT. OF  
COMMERCE, UDYOG BHAWAN, NEW DELHI.

2:THE TEA BOARD OF INDIA

HEAD OFFICE SITUATED AT 14  
B.T.M. SARANI  
KOLKATA  
WEST BENGAL-700001 AND NORTH EASTERN ZONAL OFFICE AT  
HOUSEFED COMPLEX  
CENTRAL BLOCK  
5TH FLOOR  
BELTOLA BASISTHA ROAD  
GHY.  
ASSAM-781006.

3:THE CHAIRMAN AND REGISTERING AUTHORITY

TEA BOARD OF INDIA 14  
B.T.M. SARANI  
KOLKATA  
WEST BENGAL-700001.

4:THE EXECUTIVE DIRECTORI/C

TEA BOARD OF INDIA  
NORTH EASTERN ZONAL OFFICE HOUSEFED COMPLEX  
CENTRAL BLOCK  
5TH FLOOR  
BELTOLA BASISTHA ROAD  
GHY.  
ASSAM-781006.

5:THE CHIEF SECRETARY

GOVT. OF ASSAM  
DISPUR  
ASSAM-781006.

6:THE CONTROLLER OF LICENSING

14  
B.T.M. SARANI KOLKATA  
WEST BENGAL-700001.

7:THE INSTITUTE OF COST ACCOUNTS OF INDIA

STATUTORY BODY UNDER AN ACT OF PARLIAMENT 'CMA BHAWAN'  
12  
SUDDER STREET  
KOLKATA  
WEST BENGAL-700016.

8:INDIAN INSTITUTE OF PLANTATION MANAGEMENT

AS AUTONOMOUS ORGANISATION PROMOTED BY THE MINISTRY OF  
COMMERCE and INDUSTRY  
GOVT. OF INDIA  
JNANA BHARATHI CAMPUS  
MALATHALLAI  
BENGALURU  
KARNATAKA-560056

For the petitioners : Mr. K.N. Choudhury, Senior Advocate  
Assisted by Mr. D.J. Das, Advocate

For respondents : Mr. S.S. Roy, C.C.G.  
Mr. N.J. Gogoi,  
Standing Counsel, Tea Board  
Mr. N. Das, Govt. Advocate, Assam

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**07-08-2023**

**S. Mehta, C.J.**

The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioners herein seeking the following relief:-

*“i. To forthwith cancel/recall/rescind and or otherwise forbear from giving effect into the impugned notification dated 6.8.2013 introducing price sharing formula in the form of minimum bench mark price.*

*ii. Direct the respondent to forthwith cancel/recall/ rescind the and or otherwise forbear from giving effect into the impugned notification dated 1.10.2015 on Petitioner's Association.*

*iii. Set aside and quash Office Memorandum Nos. 1(358)/GAU/04/1674 dated 26.8.2011 and No.12(23)/ LC/P-VIII/3877 dated 16.02.2009.*

*iv. Set aside and quashed the unilateral and unscientific study report submitted by ICWAI.*

*And upon cause or causes that may be shown and after hearing the parties as well as perusal of the records, Your Lordship may be pleased to make the Rule absolute and/or pass such other further Order/Orders as to Your Lordships may deem fit and proper in the interest of justice.*

*-AND-*

*Pending disposal of the Rule, Your Lordships may be pleased to stay the impugned Price Sharing Formula and the Gazettee Notification dated 1.10.2015 and its implementation and/or pass such other further Order/ Orders as to Your Lordships may deem fit and proper for the ends of justice.”*

While addressing the Court, learned senior counsel, Mr. K.N. Choudhury contended that before approaching the Court, the petitioners had submitted a detailed representation to the Chairman and the Executive Officer of Tea Board of India for ventilating their grievances but such representation through which they have highlighted their valid grievances and issues, has not been answered.

Mr. N.J. Gogoi, learned Standing Counsel appearing for the Tea Board, submits that the petitioners may be relegated to file a fresh representation to the Tea Board and upon receiving such representation, the competent authority of the Tea Board shall objectively consider and decide the same within a reasonable time.

In view of the submissions noted above, it is hereby directed that the petitioners may file a fresh detailed representation for ventilating their grievances to the Chairman of the Tea Board with a copy of this order within 30 (thirty) days from today. Upon receiving such representation, the Chairman of the Tea Board shall objectively consider and decide the same by a speaking order within a period of 3 (three) months from the date of receipt of thereof.

Needless to say that in case any adverse order is passed, the petitioners shall be at liberty to challenge the same as per law before the appropriate

forum.

With the above observations and directions, this writ petition is disposed of.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**