

GAHC010247502023



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

Case No. : WP(C)/6696/2023

M/S VAGDEVI PRINTERS AND STATIONER
A FIRM REPRESENTED BY ITS PROPRIETOR NAMELY SMTI. DIPALI
DUTTA, D/O- LATE DWIJEN DUTTA, R/O- HOUSE NO. 4, SOUTH SARANIA,
NILGIRI PATH, P.O. AND P.S. CHANDMARI, DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF FOOD, CIVIL SUPPLIES AND CONSUMER
AFFAIRS, DISPUR, GUWAHATI-6, ASSAM

2:THE DIRECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
BHANGAGARH
GUWAHATI-5
ASSAM

3:THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
PIN- 781031
ASSAM

4:THE ADDITIONAL DEPUTY COMMISSIONER
IN CHARGE OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
(FCS AND CA)
KAMRUP
AMINGAON

PIN- 781031
ASSAM

5:THE DIRECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS (FCS AND CA)
BHANGAGARH
GUWAHATI-5
ASSA

For the Petitioner(s) : Mr. S. Sinha, Advocate

For the Respondent(s) : Mr. S. S. Roy, Government Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.11.2023

1. The instant writ petition has been filed by the Petitioner seeking a direction upon the Respondent Authorities to release the amount of Rs.15,54,935/- including GST payable to the Petitioner firm on account of putting beneficiary details on the ration cards by manual writing under the NFSA project.
2. It reveals from the records that the Petitioner is in the business of printing as well as supply of various electronic and stationary materials to various departments of the Government. On the basis of a communication bearing No.KSL.68/2020/30 dated 05.10.2021, the Deputy Commissioner, Kamrup, Amingaon had engaged the personnel for Petitioner for writing the beneficiary details in the pages of NFSA Ration Cards under the Kamrup District in legible handwriting using good quality ball point pen and submit fresh Bills for payment after completion of the work. It is the case of the Petitioner that pursuant to the completion of the work, the Petitioner submitted a bill on 16.11.2021 of an

amount of Rs.15,54,935/- which included the GST which was payable to the Petitioner. Subsequent thereto, on 07.01.2022, the Deputy Commissioner, Kamrup, Amingaon had written a letter to the Director of Food, Civil Supplies and Consumer Affairs, Assam whereby the bill of the Petitioner of an amount of Rs.15,54,935/- was forwarded. It is the submission of the learned counsel for the Petitioner on the basis of Annexure-4 that in respect to the amount of Rs.15,54,935/- to which the Petitioner is entitled to, there was a budget allocation being made for the period from 01.04.2022 to 31.03.2023. However, the Petitioner was not disbursed the said amount. Under such circumstances, the Petitioner submitted a representation dated 04.10.2023 to the Deputy Commissioner, Kamrup (R), Amingaon for the payment of the said amount. As the said amount was not paid in spite of the said representation, the Petitioner therefore has approached this Court by filing the instant writ petition.

3. I have also heard Mr. S. S. Roy, the learned Government Advocate appearing on behalf of the Respondent Nos. 1 to 5 who submitted that the actual entitlement of the Petitioner as claimed can only be made after making necessary verifications by the Office of the Deputy Commissioner, Kamrup (R), Amingaon as well as the scrutiny being carried out by the Director of Food, Civil Supplies and Consumer Affairs, Assam. He further submitted that even assuming that the budget allocation was made in respect to the said amount but the said budget allocation was for the period from 01.04.2022 to 31.03.2023 and as such, as the said period being over, it is not known as to whether there was any fresh budget allocation being made.

4. This Court have given anxious consideration to the matter and is of the opinion that the interest of justice would be met if there is a direction to the Respondent Authorities to make necessary verification and upon verification, if it

is found that the Petitioner is entitled to any amount, the amount claimed or any part thereof, the said be paid to the Petitioner within a time frame.

5. Accordingly, this Court therefore disposes of the instant writ petition thereby directing the Deputy Commissioner, Kamrup (R), Amingaon to verify as to the entitlement of the Petitioner as claimed and upon making necessary verification, if it is found that the Petitioner is entitled to the amount so claimed or any part thereof, this Court directs Respondent Authorities to release the amount to which the Petitioner is entitled to.

6. This Court further directs the Director of Food, Civil Supplies and Consumer Affairs, Assam also to do the needful so that the said amount be released to the Petitioner upon making necessary verifications.

7. The said exercise be completed within a period of 3 (three) months from the date of submission of a certified copy of this order to the Deputy Commissioner, Kamrup (R), Amingaon.

8. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant