

GAHC010005662021



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

Case No. : WP(C)/236/2021

GUZRAT GROUP NGO AND ANR
R/O- VILL- KONAKATAPARA, P.O. AND P.S. DALGAON, DIST.- DARRANG,
ASSAM, PIN- 784116

2: GUZRAT ALI
S/O- LT. SADEK ALI
(PRESIDENT OF GUZRAT GROUP NGO)
R/O- VILL- KONAKATA PARA
P.O. AND P.S. DALGAON
DIST.- DARRANG
ASSAM
PIN- 78411

VERSUS

THE UNION OF INDIA AND ANR
REP. BY SECY. (MSME), M/O MINISTRY OF MICRO, SMALL AND MEDIUM
ENTERPRISES, UDYOG BHAWAN, RAFI MARG, NEW DELHI-1

2: THE DIRECTOR
INDIAN INSTITUTE OF ENTREPRENEURSHIP
BASISTHA CHARIALI
LALMATI
GHY
ASSAM- 78102

Advocate for the Petitioner : MD. M H CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

22.07.2024

1. Heard Mr. P. L. Choudhury, learned counsel for the petitioners. Also heard Mr. M. Dasgupta, learned Standing Counsel for the IIE representing the respondent No. 2 and Mr. B. Chakraborty, learned counsel for the respondent No. 1.
2. The present writ petition is filed by an NGO called "Guzrat Group N.G.O". The grievance of the petitioner/NGO is that a project namely construction of "Common Facility Centre" at village Kanakata Para, Dalgaon, Darrang at the cost of Rs. 96.22 Lakhs was sanctioned by the respondent No. 1 under SFRUTI Scheme. However, at the final stage, the work order, which is required for execution of the work was not issued in favour of the petitioner/NGO. Accordingly, the present writ petition is filed seeking a mandamus against the respondent No. 2, to issue a work order for execution of the work under the scheme i.e. for construction of "Common Facility Centre" at village Kanakata Para, Dalgaon, Darrang.
3. The said project was sanctioned on the basis of a detailed project report submitted by the petitioner/NGO to the respondent No. 2 i.e. the Director, Indian Institute of Entrepreneurship, Guwahati, Assam.
4. The object of the said scheme was to give assistance for improvement of livelihood of artisans of Bamboo & Cane cluster under the Bechimari Block.
5. The respondent No. 2 is the Nodal Agency to see the proper execution of the project. The finance is being provided by the Union of India through the Ministry of Micro, Small and Medium Enterprises. In terms of the Scheme, the NGO is also to make certain payments as its own contribution inasmuch as the amount was

to be deposited in an ESCROW account for proper implementation of the work. The total estimated sanctioned cost was Rs. 96.22 Lakhs, out of which Rs. 92.34 Lakhs was sanctioned as the assistance under the SFRUTI Scheme and rest of Rs. 3.88 Lakhs was the contribution required to be made by the implementing the agency i.e. the NGO.

6. The Nodal Agency i.e. the respondent No. 2 has filed an affidavit. The stand taken by the Nodal Agency can be recorded as follows:-
 - I. The petitioner i.e. the implementing agency was supposed to contribute Rs. 3.88 Lakhs to the ESCROW account, however, it had failed to deposit the same and deposited only Rs. 1.94 Lakhs.
 - II. The petitioner/NGO has failed to give an account of the actual amount spent on the Soft Intervention Training.
 - III. The petitioner/NGO has committed different illegalities and fraud.
 - IV. The beneficiaries have raised dispute as regards genuineness of the petitioner's NGO and many of the beneficiaries have intimated the Nodal Agency that the relation between the Co-operative Society, through which the project was to be implemented with the NGO is not workable.
 - V. It was also alleged that the NGO has fraudulently collected an amount of Rs. 500/- each from the artisans.
 - VI. Accordingly, the Nodal Agency by its letter dated 23.09.2020 advised the Ministry to surrender the project.
7. The learned counsel for the petitioner, however, submits that the all allegations are not correct and these are false allegation.
8. It is clear that the Nodal Agency itself had disputed the genuineness of the

intention of the petitioner/NGO as well as it had already recommended the Ministry, who is financing the project, to surrender the same.

9. Therefore, at this stage, this Court in the given facts of the present case, cannot issue a writ of mandamus to issue a work order inasmuch as a right is a *sine qua non* for issuance of a writ of mandamus. This Court cannot also hold, in the given facts of the present case, more particularly, in the backdrop of the stand taken by the Nodal Agency, that the petitioner/NGO is having a right under the scheme to get a work order nor it can be held in the given facts of the present case that the respondent authorities are having a bounden duty to issue the work order. Another aspect of the matter is that the factual assertion made by the petitioner has also been disputed by the Nodal Agency and such factual dispute cannot be adjudicated in the present writ petition.
10. Accordingly, this writ petition stands dismissed. However, dismissal of the present writ petition shall not debar the petitioner/NGO to raise their grievance in the appropriate forum in an appropriate manner, including, for the refund of any money. Interim order if any stands vacated.

JUDGE

Comparing Assistant