

GAHC010021042024



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

Case No. : WP(C)/557/2024

PRADIP PRAMANIK
SON OF LATE PRAHLAD PRAMANIK, VILLAGE- KHALANI BEEL, PO
BURABURI PS MAYONG, DISTRICT- MORIGAON (ASSAM), PIN- 782411

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
FISHERY DEPARTMENT, DISPUR, GUWAHATI, PIN- 781006

2:THE ASSAM FISHERIES CORPORATION LTD
REPRESENTED BY THE MANAGING DIRECTOR
CHACHAL
VIP ROAD
GUWAHATI
PIN- 781036

3:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LTD
CHACHAL
VIP ROAD
GUWAHATI
PIN- 781036

4:THE GENERAL MANAGER
ASSAM FISHERIES DEVELOPMENT CORPORATION LTD
CHACHAL
VIP ROAD
GUWAHATI
PIN- 78103

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : SC, AFDC

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 07-02-2024

Heard Mr. M.K. Hussain, learned counsel for the petitioner and Mr. P. Sharma, learned Standing Counsel, Fishery Department & AFDC for all the respondents.

2. The case of the petitioner, in brief, is that pursuant to a competitive bidding process initiated for settlement of a fishery named **Barmonoha Meen Mahal**, District – Morigaon [‘the Fishery’, for short], the Fishery came to be settled with the petitioner by an order of settlement dated 11.10.2022 issued under the hand of the Managing Director, Assam Fisheries Development Corporation Limited, that is, the respondent no. 3. As per the order of settlement dated 11.10.2022, the Fishery has been settled with the petitioner for a period of 7 [seven] years from 01.04.2022 to 31.03.2029 at an annual settlement amount of Rs. 6,61,000/-. Pursuant to the order of settlement, an agreement had also been executed between the petitioner on one side and the respondent AFDC Limited on the other side, on 10.10.2022, as per the terms and conditions of the Notice Inviting Tender [NIT]. The further case of the petitioner is that as the petitioner was handed over possession of the Fishery only after 11.10.2022, the petitioner should not be made to deposit the settlement amount for the entire one year period from 01.04.2022 to 31.03.2023. The respondent AFDC Limited should have collected the settlement amount in proportionate manner, that is, only for the period during which the petitioner was permitted to operate the Fishery. The petitioner has contended that since he did not operate the Fishery for a period of 192 days from 01.04.2022 to 11.10.2022, he should be granted exemption from paying any amount for the said period. The petitioner has contended that despite he is not operating the Fishery for the said 192 days out of the Financial Year : 2022–2023, the respondent AFDC authorities had asked for and collected the entire annual settlement amount.

3. The petitioner has stated that seeking relief in the form of exemption from depositing any settlement amount for the period of 192 days from 01.04.2022 to 11.10.2022, he has

submitted a Representation on 03.10.2023 before the respondent no. 3. As the said Representation has not yet been disposed of, the petitioner has approached this Court by the instant writ petition with a grievance that the respondent authorities in the AFDC have not yet taken any discernible steps to dispose of the Representation.

4. Mr. Sharma, learned Standing Counsel, AFDC representing the respondent nos. 2, 3 & 4 has submitted that since the petitioner has stated that the Representation submitted on 03.10.2023 is pending till date, the writ petition can be disposed of a direction to the respondent no. 3 to take the said Representation on board and to dispose of the said Representation within a reasonable period of time, after affording personal hearing of the petitioner.

5. Mr. Hussain, learned counsel for the petitioner has agreed to the said submission made by Mr. Sharma, learned Standing Counsel, AFDC.

6. In view of the broad consensus arrived at by the parties in the afore-stated manner, this court is also considered view that instead of keeping this writ petition pending, the same can be disposed of, as submitted by Mr. Sharma, learned Standing Counsel, AFDC and agreed to by the learned counsel for the petitioner, with a direction to the respondent no. 3 to take the Representation, stated to have been submitted by the petitioner before him on 03.10.2023, on board and to dispose of the same by passing a speaking order after affording a personal hearing to the petitioner. It is accordingly ordered.

7. The Representation shall be disposed of as expeditiously as possible, but not later than an outer limit of 45 days from the date of submission of the certified copy of this order by the petitioner at the office of the respondent no. 3.

JUDGE

Comparing Assistant