

GAHC010039232023



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

Case No: WP(C)/683/2023

KANAKA TEA ESTATE
REP. BY ITS SOLE PROPRIETOR DILIP KUMAR SAIKIA

AGED ABOUT 58 YEARS

S/O- LT. BHADRESWAR SAIKIA

LONGDONGBASTI
SALONA

NAGAON- 782139

ASSAM.

VERSUS

THE FOOD CORPORATION OF INDIA AND 5 ORS
REP. BY ITS CHAIRMAN-CUM-MANAGING DIRECTOR

BARAKHAMBA ROAD
NEW DELHI

PIN- 110006.

2:THE GENERAL MANAGER (REGIONAL)
FOOD CORPORATION OF INDIA
REGIONAL OFFICE
ASSAM REGION

PALTANBAZAR
GUWAHATI

ASSAM

PIN- 781008.

3:THE ASSISTANT GENERAL MANAGER (CONT)
FOOD CORPORATION OF INDIA
REGIONAL OFFICE
ASSAM REGION

PALTANBAZAR
GUWAHATI
ASSAM

PIN- 781008.

4:THE DIVISIONAL MANAGER
FOOD CORPORATION OF INDIA
DIVISIONAL OFFICER
GUWAHATI

ASSAM PIN- 781007.

5:THE MANAGER (DEPOT)
FOOD CORPORATION OF INDIA
FSD
NEW GUWAHATI COMPLEX

GUWAHATI- 781021
ASSAM.

6:M/S KRISHNA ENTERPRISE
(PROPRIETOR- SURJYA KALITA)

H.NO. 12
ANANDA NAGAR
SIX MILE

KHANAPARA
KAMRUP(M)

GUWAHATI- 781022
ASSAM.

Advocate for : MR A C BORBORA
Advocate for : SC

F C I appearing for THE FOOD CORPORATION OF INDIA AND 5 ORS
WITH **Case No. : Cont.Cas(C)/102/2023**

KANAKA TEA ESTATE
REP. BY ITS SOLE PROPRIETOR DILIP KUMAR SAIKIA,
AGED ABOUT 58 YEARS, S/O- LT. BHADRESWAR SAIKIA,
LONGDONGBASTI, SALONA, NAGAON- 782139, ASSAM

VERSUS

RAJESH CHAUDHARY AND 2 ORS
GENERAL MANAGER (REGIONAL), FOOD CORPORATION OF
INDIA, REGIONAL OFFICE, ASSAM REGION, PALTANBAZAR,
GUWAHATI, ASSAM, PIN- 781008

2:ROOP SINGH MEENA
DIVISIONAL MANAGER
FOOD CORPORATION OF INDIA
DIVISIONAL OFFICE
GUWAHATI
ASSAM
PIN- 781007

3:RAM NARAYAN TIWARI
MANAGER (DEPOT)
FOOD CORPORATION OF INDIA
FSD
NEW GUWAHATI COMPLEX
GUWAHATI- 781021
ASSA

Advocate for the Petitioner : MR A C BORBORA, MR. N
BORPATRAGOHAİN,MS. N DEY,MRS. R BORBORA

Advocate for the Respondent : MR I S MAZUMDAR (R3), MR B K SINGH
(R3),MR K AGARWAL (R3),MS. M DUTTA (R1),MRS. A CHAKRABORTY
(R1),MR. S K CHAKRABORTY (R1),MR. P K ROY (R1),MS. A AZAD (R3)

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

30.08.2024

1. Heard Mr. A. C. Borbora, learned Senior Counsel assisted by Ms. N. Dey,

learned counsel for the petitioner. Also heard Mr. P. K. Roy, learned Senior Counsel assisted by Mr. S. K. Chakraborty, learned counsel for the respondent No. 1 and Mr. K. Agarwal, learned Senior Counsel assisted by Mr. B. K. Singh, learned counsel for the respondent No. 3.

2. The writ petition being WP(C)/683/2023 was filed with a grievance that the petitioner was duly appointed as a handling contractor by the respondent FCI, however, such contract was discontinued without any notice. In the aforesaid backdrop while issuing notice, this Court under its order dated 08.02.2023, passed an interim order providing that the impugned discontinuation of the contract shall not be given effect till the returnable date.
3. Alleging that even after such clear order, the respondent did not comply with such an order, the connected contempt petition being Cont.Cas(C)/102/2023 was filed.
4. Mr. Borbora, learned Senior Counsel, in his usual fairness submits that though initially the petitioner was ousted for more than a month, however, subsequently, he was allowed to continue with the contract in terms of this Court's interim order and in the meantime, the period of contract is over.
5. In view of the aforesaid submissions, nothing survives to be adjudicated in the present writ petition. Accordingly, the writ petition stands closed without prejudice to the right of the parties to seek remedy under the terms of the contract.
6. So far relating to the contempt petition, Mr. Borbora, learned Senior Counsel fairly submits that the alleged contemnor has filed an affidavit and has sought for an unconditional apology and explained the conduct. In the aforesaid background, Mr. Borbora, learned Senior Counsel submits that the contempt may be closed, however, the fact remains that for the illegal action of the respondent

authorities, the petitioner has suffered financial losses and therefore, he must be compensated in this regard.

7. This Court has given anxious consideration to the submissions advanced by the learned counsel for the parties. Also perused the affidavit filed by the respondent authorities.
8. From the affidavit, it is seen that the order dated 08.02.2023 passed in WP(C)/683/2023 was not immediately complied with, though the same was later on complied with and an unqualified apology has been sought by the concerned official. Such apology is accepted. However, such acceptance shall not prejudice the right of the petitioner for seeking any damages and compensation. Accordingly, this contempt petition stands closed.
9. However, it is provided that if the petitioner is still aggrieved for the losses alleged to have been caused to him, the petitioner shall be at liberty to seek damages and compensation and any observation made in this order shall not prejudice the rights of the contesting parties in the proceeding that may be filed.
10. Accordingly, both this writ petition and contempt petition stands closed.

JUDGE

Comparing Assistant