

GAHC010036142022



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

Case No. : WP(C)/1498/2022

LAIPULI SAMABAI SAMITY LTD AND 21 ORS
REPRESENTED BY ITS CHAIRMAN, SRI SAILEN KR. BORUAH, S/O LATE
JATINDRA NATH BORUAH, AGED ABOUT 52 YEARS, RESIDENT OF
PANITOLA GAON, P.O. PANITOLA, P.S. AND DIST. TINSUKIA, ASSAM, PIN -
786183

2: DANGARI SAMABAI SAMITY LTD.
REPRESENTED BY ITS CHAIRMAN
SRI BROJEN SAIKIA
S/O LATE BIMAL SAIKIA
AGED ABOUT 53 YEARS
RESIDENT OF BIHIA GAON
P.O. TALAP
P.S. DOOMDOOMA
DIST. TINSUKIA
ASSAM
PIN-756156

3: TALAP SAMABAI SAMITY LTD.
REPRESENTED BY ITS CHAIRMAN
MD. NASHIM ANSARI
S/O NURAIN ANSARI
AGED ABOUT 60 YEARS
RESIDENT OF KOKRATOLI GAON
P.O. TALAP
P.S. DOOMDOOMA
DIST. TINSUKIA
ASSAM PIN-786156

4: SAIKHOWA SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI BHUBAN SONOWAL
S/O LATE BHURESH SONOWAL
AGED ABOUT 60 YEARS

RESIDENT OF BORMURAH MIRI PATHR
P.O. AND P.S. DHOLLA
DIST. TINSUKIA
ASSAM
PIN-786154

5: BAREKURI SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI DHONAI GOHAIN
S/O THIRENDRA GOHAIN
AGED ABOUT 38 YEARS
RESIDENT OF BORGAON
P.O. BORGAON
P.S. BAREKURI
DIST. TINSUKIA
ASSAM
PIN-786170

6: TIRAP SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI GAJESWAR CHANGMAI
S/O LATE AKANTI CHANGMAI
AGED ABOUT 58 YEARS
RESIDENT OF KENIYA GAON
P.O. UDAIPUR
P.O. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786182

7: GABHARUBHETI SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI BODRI CHETRY
S/O SHER BAHADUR CHETRY
AGED ABOUT 40 YEARS
RESIDENT OF RANGPUR
P.O. PHILOBARI
P.S. DOOMDOOMA
DIST. TINSUKIA
ASSAM
PIN-786160

8: UTTAR SADIYA SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI SIBA PRASAD BURAGOHAIN
S/O NIRANJAN BURAGOHAIN
AGED ABOUT 50 YEARS
RESIDENT OF KUNDIL GOHAINGAON

P.O. CHAPAKHOWA
P.S. SADIYA
DIST. TINSUKIA
ASSAM
PIN-786157

9: LEDO SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI RAM BAHADUR CHETRY
S/O TIRTHA BAHADUR CHETRY
AGED ABOUT 30 YEARS
RESIDENT OF BORGHOLAI GAON NO.1
P.O. AND P.S. MARGHERITA
DIST. TINSUKIA
ASSAM
PIN-786181

10: MARGHERITA SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SMTI SHILPI BORUAH
W/O LATE LAKHI BORUAH
AGED ABOUT 56 YEARS
RESIDENT OF MAKUM PATHAR NO.4
P.O. AND P.S. MARGHERITA
DIST. TINSUKIA
ASSAM
PIN-786181

11: PUB SADIYA SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI SWARUP GOGOI
S/O LATE BAIKHYA GOGOI
AGED ABOUT 43 YEARS
RESIDENT OF UDOI NAGAR
P.O. CHAPAKHOWA
P.S. SADIYA
DIST. TINSUKIA
ASSAM
PIN-786157

12: PACHIM SADIYA SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI TUPHAN GOGOI
S/O ANIL GOGOI
AGED ABOUT 31 YEARS
RESIDENT OF CHAUL KHOWA NAGAON
P.O. GHUMTIBILL
P.S. CHAPAKHOWA

DIST. TINSUKIA
ASSAM
PIN-786155

13: BURIDIHING SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI ANUP BORAH
S/O LATE PHULESWAR BORAH
AGED ABOUT 47 YEARS
RESIDENT OF CHIKORAJAN BIJULIBON
P.O. PHILOBARI
P.S. DOOMDOOMA
DIST. TINSUKIA
ASSAM
PIN-786160

14: BAPUJI SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI JYOTI BORDOLOI
S/O LATE PURNA CHANDRA BORDOLOI
AGED ABOUT 71 YEARS
RESIDENT OF 71 YEARS
RESIDENT OF BORDUBAI MODEL GAON
P.O. HOOGRIJAN
P.S. BORDUBI
DIST. TINSUKIA
ASSAM
PIN-786601

15: BOZALTOLI SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI UTPAL NEOG
S/O LATE ASAMBOR NEOG
AGED ABOUT 61 YEARS
RESIDENT OF BORGURI
P.O. BORGURI
P.S. AND DIST. TINSUKIA
ASSAM
PIN-786126

16: GUIJAN SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI ASMON SUNA
S/O LATE AZARAAAIL SUNA
AGED ABOUT 48 YEARS
RESIDENT OF GOTTANG GAON
P.O. RANGAGORA
P.S. AND DIST. TINSUKIA

ASSAM
PIN-786147

17: TONGONA SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI SUBORNA DOHUTIA
S/O LATE AMBESWAR DOHUTIA
AGED ABOUT 45 YEARS
RESIDENT OF TONGONA BAZAR
P.O. AND P.S. TONGANA BAZAR
DIST. TINSUKIA
ASSAM
PIN-786152

18: TIPUK SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI JAGANNATH MORAN
S/O LATE PHATIK CH. MORAN
AGED ABOUT 61 YEARS
RESIDENT OF ATHENGIA GAON
P.O. RUPAI SIDING
P.S. DOOMDOOMA
DIST. TINSUKIA
ASSAM
PIN-786153

19: BORBIL SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SMTI. MONALISHA KONWAR
W/O LATE ANUPAM KONWAR
AGED ABOUT 44 YEARS
RESIDENT OF NO.2 BORBIL GAON (BOGAPANI)
P.O. AND P.S. DIGBOI
DIST. TINSUKIA
ASSAM
PIN-786171

20: KETETONG SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI DUMAI DUANIA
S/O GUDUNGLA DUANIA
AGED ABOUT 61 YEARS
RESIDENT OF NAKONG PATHAR NO.1
KETETONG
P.O. KETETONG
P.S. MARGHERITA
DIST. TINSUKIA
ASSAM

PIN-786181

21: TINGRAI SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI SWAPAN NAG
S/O LATE SISHIL NAG
AGED ABOUT 61 YEARS
RESIDENT OF NO.1 ASSOMIYA GAON
P.O. TINGRAI BAZAR
P.S. DIGBOI
DIST. TINSUKIA
ASSAM
PIN-786171

22: KAKOPATHAR SAMABAI SAMITY LTD.
REPRESENTED BY ITS SECRETARY
SRI SHAMBHU CHOUDHURY
S/O LATE DINANATH CHJODHURY
AGED ABOUT 57 YEARS
RESIDENT OF JYOTI NAGAR
P.O. TINSUKIA
P.S. AND DIST. TINSUKIA
ASSAM
PIN-78612

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS,
DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
DISPUR
GUWAHATI-06

3:THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
DISPUR
GUWAHATI-06

4:THE DIRECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
BHANGAGARH

GUWAHATI-05
KAMRUP (M)
ASSAM

5:THE DEPUTY COMMISSIONER
TINSUKIA
DIST. TINSUKIA
ASSA

Advocate for the Petitioner : MR. R BORUAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 23-02-2024

1. Heard Mr. R Boruah learned counsel for the petitioner and Mr. D Nath learned senior Government Advocate.
2. The petitioners are the Gram Panchayat Samabai Samiti/Co-operative Societies of the district of Tinsukia. The petitioners are the societies registered under the Assam Co-operative Societies Act, 1949 and regulated by the aforesaid statute and the rules framed there under. The petitioners' societies are in the field of lifting and distribution of PDS articles under the Essential Commodities Act, 1955 and also the Assam Public Distribution of Articles Order, 1982.
3. The claim of the petitioners' is that they are not being paid their due against their commission due to them. According to the petitioners such amount is to be paid by the state from central assistance in terms of the National Food Securities Act, 2013.
4. They claimed that similarly situated Co-operative societies in

a similar situation of non-payment of commission for distributing food grains/rations, had approached this court by filing different writ petition, and this court by its common order passed in I.A(Civil) 139/2022 arising out of different writ petition, issued certain directions for payment of such outstanding dues. The petitioners submits that being similarly situated the petitioners are also entitled for similar relief.

5. Though Mr. D Nath learned senior government advocate on instructions has not disputed as regards execution of the work by the petitioners, however, he submits that exact amount due against to each individual writ petitioner can be verified by the competent authorities only. He further submits that though the case of the petitioner is squarely covered by the earlier order that has been relied by the petitioner, however, at that point of time funds were available as reflected in paragraph 18 and 19 of the aforesaid order, but in the present case it may require some time to arrange for money.

6. Considered the submissions advanced and also perused the order dated 13.01.2022 passed in I.A(Civil) No.139/2022. There is no dispute as regards the due claimed by the petitioner. The petitioners are also similarly situated to that of the petitioners in I.A(Civil) 139/2022. There is no dispute as regards entitlement of money to the petitioner and further in the considered opinion of this court the petitioners cannot be deprived of their rights for want of fund.

7. Accordingly, it is provided that the petitioners shall file a representation with their individual claims before the Commissioner of Food and Civil Supplies of Consumer Affairs and Legal Meteorology (1)

within a period of three weeks from today along with a copy of the order passed today. The Commissioner shall verify the individual claim and if it is found that the petitioners are entitled for such payment, the Commissioner shall do the needful for arranging the finance, if necessary, by involving the Finance Department and thereafter, do the needful for release of the admitted amount to the petitioner.

8. The entire exercise shall be carried out within a period of 4 (four) months from the date of receipt of a certified copy of this order and the claim submitted by the petitioner.

JUDGE

Comparing Assistant