

GAHC010096732024



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

Case No. : Cont.Cas(C)/297/2024

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

VERSUS

SHRI BISWARANJAN SAMAL AND TWO ORS
ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM, DEPARTMENT
OF FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS, ROOM NO. D 415, D
BLOCK 4TH FLOOR, ASSAM SECRETARIAT DISPUR, GUWAHATI-6, ASSAM.

2:PRAVIN BAKSHI
THE DIRECTOR

DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS

BHANGAGARH
GUWAHATI-05
ASSAM

3:KEERTHI JALLI
THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
PIN-781031
ASSA

Advocate for the Petitioner : SAMARESH SINHA, MS. L BARMAN

Advocate for the Respondent : MR. D NATH (R-1,3), MS. M SHARMA (R-3), O ASSUMI (R-1,3)

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

03.10.2024

1. Heard Mr. S. Sinha, learned counsel for the petitioner. Also heard Mr. D. Nath, learned counsel for the respondent nos.1 & 3.
2. The petitioner's case is that order dated 22.11.2023 passed in WP(C) 6696/2023 has not been complied with.
3. On the other hand, Mr. D. Nath, learned counsel for the respondent nos.1 & 3 submits that the order dated 22.11.2023 passed in WP(C) 6696/2023 has been complied with. He further submits that this Court had directed the Director, FCS & CA, Assam, who is now the Commissioner of the Department, to do the needful so that the said amount could be released to the petitioner upon making necessary verification. In this regard, he has relied upon letter no. DS.317/2023/48 dated 07.06.2024 issued by the Commissioner, Food, Civil Supplies & Consumer Affairs and Legal Metrology (FCS, CA and LM), which is to the effect that the petitioner in WP(C) 6696/2023 is entitled to payment of Rs.15,54,935/-.
4. Mr. D. Nath submits that the Commissioner, FCS & CA and LM was the earlier Director, FCS & CA, Assam and as such, the direction issued to the respondents in the writ petition had been complied with and Rs.15,54,935/- has

been paid to the petitioner, as the amount of liability has been admitted.

5. I have heard the learned counsels for the parties.

6. The petitioner's case in WP(C) 6696/2023 was for a direction to be issued to the respondent authorities to release Rs.15,54,935/- including the GST, payable to the petitioner firm on account of putting beneficiary details on ration cards by manual writing, under the NFSA project under Kamrup District.

7. This Court, vide order dated 22.11.2023, disposed of WP(C) 6696/2023 by directing the Deputy Commissioner, Kamrup(R), Amingaon to verify the entitlement of the petitioner as claimed and upon making necessary verification, if it was found that the petitioner was entitled to the amount he claimed or any part thereof, the said amount was to be released to the petitioner. The Director, FCS & CA was also directed to do the needful and make verification.

8. Paragraph nos.4, 5, 6 & 7 of the order dated 22.11.2023 passed in WP(C) 6696/2023 states as follows :

“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."

9. The letter no. DS.317/2023/48 dated 07.06.2024 issued by the Commissioner, FCS, CA & LM, who was the earlier Director, FCS & CA has admitted to the fact that the State respondents have an outstanding liability of Rs. 15,54,935/- payable to the petitioner. Further, the counsel for the respondent nos.1 & 3 has stated that the said amount has been paid to the petitioner.

10. The letter dated 07.06.2024 issued by the Commissioner, FCS & CA and LM is made a part of the record and marked as Annexure-X.

11. In view of the above letter dated 07.06.2024 and the submission made by the counsel for the respondent nos.1 & 3, this Court is of the view that the order dated 22.11.2023 passed in WP(C) 6696/2023 has been complied with.

12. Accordingly, the contempt petition stands closed.

JUDGE

Comparing Assistant