

GAHC010112972015



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

Case No. : WP(C)/136/2015

PUB DHAKUAKHANA SAMABAY SAMITY LTD.
REP. BY ITS CHAIRMAN SRI RAJIB PEGU, S/O LT. BIMAL PEGU, P.O.
KHERKATAMUKH, DIST- LAKHIMPUR, PIN-787055

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, FOOD, CIVIL
SUPPLIES AND CONSUMER AFFAIRS DEPTT. DISPUR, GHY-6

2:DIRECTOR FOOD AND CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
GHY-5

3:DY. COMMISSIONER
LAKHIMPUR
PIN-787001
ASSA

Advocate for the Petitioner : MR.R C SAIKIA

Advocate for the Respondent :

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

03.06.2024.

None appears for the petitioner on call. Ms. U. Das, learned Addl. Senior Government Advocate appears for all the respondents.

2) The petitioner by way of instituting the present proceedings has raised a grievance with regard to non-release of an amount of Rs.11,51,800/- (Rupees eleven lakhs fifty one thousand and eight hundred) only, due to it on account of the transportation charges borne by it for transportation of materials under the Antodaya Anna Yojna (AAY) Scheme and Mukhya Mantrir Anna Surakshya Yojna (MMASY) Scheme from the FCI godown in Lakhimpur District at North Lakhimpur to the godown of the Pub Dakhin Gohain Samabay Samity Ltd.

3) The petitioner in the Writ Petition has projected that in terms of the orders passed by the competent authority in this connection, the petitioner Society was authorized the work of transportation of good grains from the FCI godown in Lakhimpur District at North Lakhimpur to the godowns of the Pub Dakhin Gohain Samabay Samity Ltd. It is contended that the petitioner although had transported the food grains under the AAY Scheme and the MMASY Scheme, the amounts due against the said scheme were not so released to it and accordingly, over a period of time, the amount due to the petitioner in this connection accumulated to Rs.11,51,800/- (Rupees eleven lakhs fifty one thousand and eight hundreds) only. It is contended that the petitioner had approached the authorities for release of the said amount and the request made by the petitioner not having been so entertained, the petitioner society has instituted the present Writ Petition.

4) The respondent authorities have filed an affidavit in the matter through the respondent No.4 and therein it was contended that the transportation charges in respect of the transportation as made of food grains under the AAY Scheme and the MMASY Scheme from the period July, 2008 to October, 2015

was already paid to the petitioner herein by the Sub-Divisional Officer (C), Dhakuakhana vide order dated 09.03.2017. It was further contended that the transportation charges in respect of the transportation as made of food grains under the AAY Scheme and the MMASY Scheme from the period October, 2010 to March, 2011 was also released to the petitioner society by the Deputy Commissioner, Lakhimpur vide order dated 16.06.2015.

5) It is submitted that the transportation charges, as receivable by the petitioner for transportation of food grains under the MMASY Scheme for the period from August, 2011 to March, 2012 is under process and the same would be released on the budgetary sanction thereof being provided in the matter by the competent authority. It is further contended that the Deputy Commissioner, Lakhimpur had already placed a proposal to the Government for approval of an amount of Rs.6,89,239/- (Rupees six lakhs eighty nine thousand two hundred thirty nine) only for release to the petitioner herein. However, the proposal having been submitted after the last date for submission of such proposal, the amount could not be sanctioned during the Financial Year 2023—24 and it is stated that the said proposal would be re-processed in the current Financial Year 2024—25 and the amount would be paid to the petitioner Society by August, 2024.

6) In view of the above position and the contentions as made in the affidavit filed by the respondent No.4, it is directed that the Deputy Commissioner, Lakhimpur shall process the dues of the petitioner for transportation of food grains under the AAY Scheme and the MMASY Scheme, on scrutiny of the same and deducting the amount already paid to the petitioner Society, shall proceed to pay the same to the petitioner Society within a period of three (3) months from the date of receipt of a certified copy of this order.

7) It is provided that the Deputy Commissioner, Lakhimpur, for the purpose of determining the entitlement of the petitioner, shall carry out due inquiry in the matter and thereafter, on the amount being so computed, proceed to release the same to the petitioner Society within the time frame mandated herein above.

8) With the above observations and directions, the Writ Petition stands disposed of.

JUDGE

Comparing Assistant