

GAHC010130372024



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

Case No. : WP(C)/3810/2024

MAYONG SATI SADHINI FISHERY SAMABAY SAMITY LIMITED AND ANR
A COOPERATIVE SOCIETY REGD. UNDER SOCIETIES REGISTRATION ACT,
1949 REP. BY ITS PRESIDENT,
GIRINDRA BISWAS,
S/O- AKAL BISWAS,
R/O- VILLAGE NIZ GOBARDHAN,
P.S- CHANDRAPUR, DIST- KAMRUP (M), ASSAM

2: DHIPIJIJAN GARANGA GARCHUK AND MALIA MEEN PALAN
COOPERATIVE SOCIETY LTD.
A COOPERATIVE SOCIETY REGD. UNDER SOCIETIES REGISTRATION ACT
1949 REP. BY ITS PRESIDENT
ANANTA LAL DAS
S/O- HARALAL DAS
R/O- VILLAGE THENGBHANGA
P.O- BORPAK
DIST- MORIGAON ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, FISHERY DEPARTMENT
DISPUR, GUWAHATI-06.

2: THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
FISHERY DEPARTMENT
DISPUR GUWAHATI-06.

3: THE DEPUTY COMMISSIONER
P.O P.S AND DIST- MORIGAON
ASSAM

4:THE ADDL. DEPUTY COMMISSIONER (FISHERY)
P.O P.S AND DIST- MORIGAON ASSA

Advocate for the Petitioner : MR. R PHUKAN,

Advocate for the Respondent : SC, FISHERY, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 31.07.2024

Heard Mr. R. Phukan, learned counsel for the petitioners, who submits that the petitioners participated in the tender process pursuant to the NIT dated 19.01.2021, for settlement of Dhipujijan, Garanga, Garsag, Maliapunja Min Mahal (group fishery).

2. The petitioners' counsel submits that the settlement of the above group fishery has not been made in favour of the petitioners and as such, they are entitled to be given back their earnest money. He submits that though a representation dated 26.09.2023 has been submitted to the Deputy Commissioner, Morigaon for return of the earnest money, the same has not been decided till date.

3. Ms. U. Das, learned counsel for the respondent Nos. 3 & 4 and Mr. P. Sarma, learned counsel for the respondent Nos. 1 & 2 submit that if the petitioners have not been settled with the fishery, pursuant to the NIT, their earnest money should have been returned to them.

4. On considering the submissions made by the learned counsels for the parties, it is clear that if the petitioners have not been selected to operate the fishery, pursuant to the NIT dated 19.01.2021, there cannot be any ground for

the respondents to withhold the same to the concerned unsuccessful bidders.

5. In view of the fact that the petitioners' representation dated 26.09.2023 (Annexure-3) has not been decided, the Deputy Commissioner, Morigaon is directed to take a decision on the petitioner's representation for return of their earnest money, within a period of ten days from the date of receipt of a certified copy of this order and return the earnest money to the petitioners, if they are entitled to receive the same.

6. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant