

GAHC010133622018



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

Case No. : Cont.Cas(C)/272/2018

M/S. LILADHAR ROY AND ANR.
SITUATED AT 21A, MOTI MIKIR PATH, SACHAL LINK ROAD, DWARAKA
NAGAR, P.S- DISPUR, GUWAHATI- 781022, DIST- KAMRUP(M), ASSAM

2: PARITOSH ROY
S/O- LATE PROBhat CH ROY
PROP OF THE FIRM
VIZ- M/S LILADHAR ROY
R/O- 21A
MOTI MIKIR PATH
SACHAL LINK ROAD
DWARAKA NAGAR
P.S- DISPUR
GUWAHATI- 781022
DIST- KAMRUP(M)
ASSA

VERSUS

NAVEEN VERMA AND 6 ORS.
THE SECRETARY, MIN OF DEVELOPMENT OF NORTH EASTERN REGION,
GOVT OF INDIA, ROOM NO. 233, VIGYAN BHAWAN ANNEXE, MAULANA
AZAD ROAD, NEW DELHI- 11, INDIA

2: AMLAN BARUAH
THE SECRETARY TO HE GOVT OF ASSAM
AGRICULTURAL DEPTT
SACHIVALAYA
DISPUR
GUWAHATI- 781006
P.S- DISPUR
DIST- KAMRUP(M)
ASSAM

3:PRAKASH CHANDRA ROY
THE ZONAL MANAGER
NORTH EASTERN REGIONAL AGRICULTURAL MARKETING
CORPORATION LTD
SITUATED AT 3RD FLOOR
9
RAJBARI PATH
G S ROAD
GANESHGURI
GUWAHATI- 05
P.S- DISPUR
DIST- KAMRUP(M)
ASSAM

4:PANKAJ KUMAR PRASAD
THE MANAGING DIRECTOR
NORTH EASTERN REGIONAL AGRICULTURAL MARKETING
CORPORATION LTD
SITUATED AT 3RD FLOOR
9
RAJBARI PATH
G S ROAD
GANESHGURI
GHY- 781005
P.S- DISPUR
DIST- KAMRUP(M)
ASSAM

5:PRABIN KUMAR HAZARIKA
THE DIRECTOR OF HORTICULTURE AND FOOD PROCESSING
DEPTT OF AGRICULTURE
GOVT OF ASSAM
KHANAPARA
GUWAHATI- 781022
P.S- KHANAPARA
DIST- KAMRUP(M)
ASSAM

6:KARUNA KANTA NATH
THE DISTRICT AGRICULTURAL OFFICER
SONITPUR
P.O- TEZPUR
PIN- 784001
DIST- SONITPUR
ASSAM

7:KAILASH CHANDRA DEKA
THE DISTRICT AGRICULTURAL OFFICER

BAKSA(BTAD)
MUSHALPUR
PIN- 781372
DIST- BAKSA
BTAD
ASSA

Linked Case : I.A.(Civil)/2440/2019

M/S. LILADHAR ROY AND ANR.
SITUATED AT 21A
MOTI MIKIR PATH
SACHAL LINK ROAD
DWARAKA NAGAR
P.S. DISPUR
GUWAHATI 781022
DIST. KAMRUP (M)
ASSAM
REPRESENTED BY ITS PROPRIETOR SRI PARITOSH ROY
S/O LATE PROBhat CH. ROY

2: PARITOSH ROY
S/O- LATE PROBhat CH ROY
PROP OF THE FIRM
VIZ- M/S LILADHAR ROY
R/O- 21A
MOTI MIKIR PATH
SACHAL LINK ROAD
DWARAKA NAGAR
P.S- DISPUR
GUWAHATI- 781022
DIST- KAMRUP(M)
ASSAM
VERSUS

NAVEEN VERMA AND 7 ORS.
THE SECY.
MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION (DONER)
GOVT. OF INDIA
ROOM NO. 233
VIGYAN BHAWAN ANNEXE
MAULANA AZAD ROAD
NEW DELHI 110011
INDIA

2:AMLAN BARUAH
THE SECRETARY TO HE GOVT OF ASSAM

AGRICULTURAL DEPTT
SACHIVALAYA
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GUWAHATI- 781006

P.S- DISPUR

DIST- KAMRUP(M)

ASSAM

3:PRAKASH CHANDRA ROY

THE ZONAL MANAGER

NORTH EASTERN REGIONAL AGRICULTURAL MARKETING CORPORATION
LTD

SITUATED AT 3RD FLOOR

9

RAJBARI PATH

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GUWAHATI- 05

P.S- DISPUR

DIST- KAMRUP(M)

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THE MANAGING DIRECTOR

NORTH EASTERN REGIONAL AGRICULTURAL MARKETING CORPORATION
LTD

SITUATED AT 3RD FLOOR

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RAJBARI PATH

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THE DIRECTOR OF HORTICULTURE AND FOOD PROCESSING

DEPTT OF AGRICULTURE

GOVT OF ASSAM

KHANAPARA

GUWAHATI- 781022

P.S- KHANAPARA

DIST- KAMRUP(M)

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7:KAILASH CHANDRA DEKA
THE DISTRICT AGRICULTURAL OFFICER
BAKSA(BTAD)
MUSHALPUR
PIN- 781372
DIST- BAKSA
BTAD
ASSAM
8:INDER JIT SINGH
THE SECY.
MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION (DONER)
GOVT. OF INDIA
ROOM NO. 233 VIGYAN BHAWAN ANNEXE
MAULANA AZAD ROAD
NEW DELHI 110011
INDIA

For the petitioner (s) : Mr. N. N. B. Choudhury, Advocate

For the respondent (s) : Ms. M. Deka, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

02.02.2024

Heard Mr. N. N. B. Choudhury, the learned counsel for the petitioners and Ms. M. Deka, the learned counsel appearing on behalf of the respondent Nos.1, 3 & 4. None has appeared on behalf of the remaining respondents on call.

2. It has however been submitted by the learned counsel for the petitioners that at present the officials, i.e. the respondent Nos.2, 5, 6 & 7 are not presently manning those offices for which they were initially

arrayed as party respondents.

3. Be that as it may, the instant contempt proceedings has been filed seeking initiation of contempt proceedings for willful violation of the order dated 05.04.2017 passed by this Court in WP(C) No.7262/2016. This Court has duly perused the said order wherein it has been mentioned that the respondent No.2 in the said writ proceedings, i.e. North Eastern Regional Agricultural Marketing Corporation Ltd. (NERAMAC) had filed an affidavit-in-opposition duly admitting the claim of the petitioner. However, this Court disposed of the writ petition with a direction upon the respondent No.2 to verify the actual quantity of supply made by the petitioner through a legitimate process. It was also mentioned that upon verification, the amount that may be found to be due and payable to the petitioner as per law shall be released in favour of the petitioner. Further to that, there was direction issued to complete the said exercise within a period of four months from the date of receipt of the certified copy of the order. The record reveals that pursuant to the said order, the petitioner did not receive any amount for which the instant contempt proceedings was filed on 19.06.2018.

4. It is also seen from a perusal of the affidavit-in-opposition filed by the respondent Nos.1, 3 & 4 that the order passed by this Court dated 05.04.2017 in WP(C) No.7262/2016 was assailed before the learned Division Bench in Writ Appeal No.263/2017. But the said Writ Appeal was dismissed vide order dated 06.09.2017. Under such circumstances, in compliance to the order dated 05.04.2017 passed by this Court in WP(C) No.7262/2016, NERAMAC constituted a Committee and conducted a detailed enquiry thereby verifying the invoices and the amount to be paid

to the petitioner No.1, firm. It was also mentioned that the hearing was duly attended by the petitioner No.2 in the instant proceedings along with his representatives. The Committee thereupon submitted its report on 10.09.2018 and based on the recommendation of the Committee, NERAMAC paid their share of Rs.15,66,744/- to the petitioner firm against two invoices raised to NERAMAC, i.e. invoice bearing Nos.LR/13-14/00102 and LR/13-14/00101 dated 27.02.2014.

5. At this stage, this Court also finds it relevant to take note of the report of the Committee dated 11.09.2018 which has been enclosed as Annexure-F to the affidavit filed by the respondent Nos.1, 3 & 4. Paragraph No.31 of the said report being relevant is quoted herein under:-

“31. Considering the facts elaborated herein above and more specifically in view of the fact that the controversy as to issuance of NOC dated 04.06.2018 has been resolved, the Committee members recommends release of Rs. 15,66,774/ (Rupees Fifteen Lakhs Sixty Six Thousand Seven Hundred and Seventy Four only) to Mr. Liladhar Roy, Proprietor M/s Liladhar Roy i.e. Rs. 8,70,430/towards Invoice No. LR/13-14/00102 dated 27.02.2014 for supply of 25 nos . of Rotary Tillers at Sonitpur Dist. & Rs. 6,96,344/towards Invoice No. LR/13-14/00101 dated 27.02.2014 for supply of 20 nos. of Rotary Tillers at Baksa Dist.”

6. The above exercise which was carried out shows that the direction which was given by this Court on 05.04.2017 was a direction issued to the NERAMAC to make verification and then to make the payment. A perusal of paragraph No.31 of the report as has been quoted herein above clearly shows that the said verification was duly conducted and it was found that the total amount due to the petitioner was Rs.15,66,774/- and accordingly, the said amount was duly paid.

7. In the backdrop of the above, this Court finds it very relevant to take note of the submission of Mr. N. N. B. Choudhury, the learned counsel for the petitioners who submits that the actual due to the petitioner is Rs.30,92,571.45p whereas an amount Rs.15,66,774/- has been paid to the petitioner. It is the opinion of this Court that from the reading of the order dated 05.04.2017 passed in WP(C) No.7262/2016 the direction issued was only to the NERAMAC to carry out necessary verification and to make payment. The report mentioned herein above and the relevant portion quoted clearly show, that the verification was done and thereupon the payment has been made. Under such circumstances, it is therefore the opinion of this Court that there is no further violation to the order dated 07.04.2017 passed in WP(C) No.7262/2016.

8. Be that as it may, it is made clear that if the petitioner is otherwise aggrieved with the report of the Committee or for that matter the Committee has not granted the actual dues, the petitioner would be at liberty to approach the appropriate forum in that regard wherein such factual determination can be made.

9. Accordingly, the instant contempt proceedings stands closed as dropped.

JUDGE

Comparing Assistant