GAHC010142722023

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

**Case No. : WP(C)/3844/2023**

M/S KAUSTABH GOGOI
REPRESENTED BY ITS PROPRIETOR SRI KAUSTABH GOGOI, S/O SRI DINU GOGOI, R/O DHARAMNALA, DIPHU, DIST- KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO GOVT. OF ASSAM, HANDLOOM, TEXTILE AND SERICULTURE DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM HANDLOOM
TEXTILE AND SERICULTURE DEPTT.
DISPUR GUWAHATI-781006

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM FINANCE DEPARTMENT
DISPUR GUWAHATI-6

4:THE DIRECTOR
HANDLOOM AND TEXTILES
ASSAM AMBARI
GUWAHATI-781001

5:THE ASSAM GOVERNMENT MARKETING CORPORATION LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR
AMBARI
GUWAHATI-78100

**Advocate for the Petitioner** : MR D KALITA

**Advocate for the Respondent** : SC, HANDLOOM, TEXTILE AND SERICULTURE

**BEFORE**
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**Date : 27.03.2024**

Heard Mr. B. D. Das, learned Senior Counsel, assisted by Mr. D. Kalita, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned counsel for the Handloom and Textile Department and Mr. R. Borpujari, learned counsel for the Finance Department.

2. Aggrieved by non-disbursement of an amount of Rs. 58,89,434/- out of the total contractual liability of Rs. 99,79,888/- against the supply of cotton yarn pursuant to e-Tender Notice dated 07.12.2015, which amount, according to the petitioner, is admitted outstanding liability, the petitioner has instituted the writ petition.

3. Mr. B. D. Das, learned Senior Counsel, submits that in terms of the High Power Committee report dated 30.01.2020 and Minutes of the Meeting of the High Power Committee dated 04.01.2020, the petitioner, who is a supplier of yarn under the Chief Minister's Special Program, 2015-2016, the remaining balance amount needs to be paid to the petitioner. In this regard, he submits that the case is a covered matter in terms of the order dated 02.05.2023 passed in WP(C) 3585/2021 and others.

4. Mr. R. Dhar and Mr. R. Borpujari, counsels for the respondents, submit that the balance amount payable to the petitioner will be paid, after a re-verification of the yarn supplied by the petitioner is made.

5. On considering the submissions of the counsels for the parties and keeping

in view the fact that the yarn had been supplied in the year 2015, the respondents shall cause a verification to be done on the supply of yarn made by the petitioner and to give the petitioner the admitted amount due. The entire exercise should be concluded within a period of 5 months from the date of receipt of a certified copy of this order by the respondents.

6. This writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**