

GAHC010150202022



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

Case No. : WP(C)/4949/2022

M/S ABHIJIT AUTO AGENCY (I) PVT. LTD.
A COMPANY DULY REGISTERED IN TERMS OF THE PROVISIONS OF THE
COMPANIES ACT
1956 HAVING ITS REGISTERED OFFICE AND SHOWROOM AT VILL-
SORUSAJAI
NEAR SPORTS COMPLEX
NH-37
GUWAHATI-781034 AND IS REPRESENTED BY ITS DULY AUTHORIZED
DIRECTOR
SRI VIJAY KUMAR JASRASARIA
S/O LATE CHIRANGILAL JASRASARIA

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
AGRICULTURE
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
KRISHI BHAWAN
G.S. ROAD
KHANAPARA
GUWAHATI-781022
ASSAM

2:THE DIRECTOR OF AGRICULTURE
KRISHI BHAWAN
G.S. ROAD
KHANAPARA
GUWAHATI-781022
ASSAM

3:THE CHIEF ENGINEER
AGRICULTURE

KRISHI BHAWAN
G.S. ROAD
KHANAPARA
GUWAHATI-781022
ASSAM

Advocate for : MR. N ANIX SINGH
Advocate for : SC
AGRI. DEPARTMENT appearing for THE STATE OF ASSAM AND 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 13-05-2024

Heard Mr. N.A. Singh, learned counsel for the petitioner and Ms. G. Bora, learned counsel who has appeared for all the respondents.

2. By filing this writ petition, the petitioner claims for release of a sum of *Rs.23,81,506.00 (Rupees Twenty Three Lakhs Eight One Thousand Five Hundred Six)* which is due to him for supply of TATA commercial vehicles to the beneficiaries under a certain scheme. It is the case of the petitioner that the vehicles are given to the beneficiaries at the subsidized rate. The beneficiaries pay for a certain amount of the price of the vehicles and the remaining balance in the form of subsidy is to be paid by the State Government in the Agriculture Department.

3. The learned counsel for the petitioner has drawn the attention of this Court to the amount due to the petitioner as worked out by the petitioner which is annexed as Annexure-IV, page-73 of the writ petition.

4. Ms. G. Bora, learned counsel for the respondents submits that she may be given some time to obtain instructions in the matter.

5. Mr. N.A. Singh, learned counsel for the petitioner on the other hand submits that if the certain amount has already been disbursed to the petitioner, the respondents will be at liberty to deduct the same from the final amount to be paid to the petitioner.

6. Be stated herein that a Full Bench judgment of this Court in *Tamsher Ali and Etc. Etc. Vs. State of Assam and Ors. reported in 2008 (4) GLT 1* has laid down certain steps and guidelines for verifying and releasing the admitted liability of the State Government. Therefore, this Court does not find any impediment in disposing of this writ petition in terms of *Tamsher Ali* (supra).

7. In view of the above, the respondent authorities within a period of 4 (Four) weeks from the date of receipt of certified copy of this order shall verify the claim made by the petitioner regarding the outstanding liability and if the same is found to be correct and genuine, the same shall be processed in accordance with law in terms of the decision rendered by this Court in *Tamsher Ali* (supra).

8. With the above observations and directions this writ petition stands disposed of.

9. It is needless to mention herein that if there is any amount paid to the petitioner in the meantime, the respondents are at liberty to deduct the same.

JUDGE

Comparing Assistant