

GAHC010172442024



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

Case No. : WP(C)/4354/2024

THANGBHANGA ANUSUSITA JATI MATCHYAJIBI SAMABAY SAMITI LTD
(REGISTERED CO-OPERATIVE SOCIETY) HAVING ITS OFFICE AT
THANGBHANGA, PO- BORPAK, PS- MAYONG, DISTRICT- MORIGAON
(ASSAM) REPRESENTED BY ITS SECRETARY NAMELY SRI SUKUMAR DAS,
AGE 60 YEARS, SON OF LATE SHIBCHARAN DAS, RESIDENT OF
THANGBHANGA, PO- BORPAK, PS- MAYONG, DISTRICT- MORIGAON
(ASSAM)

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, FISHERY DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DISTRICT COMMISSIONER
MORIGAON
PO AND PS- MORIGAON
DISTRICT- MORIGAON
ASSAM
PIN- 782105

3:THE DISTRICT FISHERY DEVELOPMENT OFFICER
MORIGAON
PO AND PS- MORIGAON
DISTRICT- MORIGAON
ASSAM
PIN- 78210

Advocate for the Petitioner : MR. M K HUSSAIN, MR. M ALOM, MD A RAHMAN, MS. F H AHMED, MRS. S Y AHMED

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

30.08.2024

Heard Mr. M. Alom, learned counsel for the petitioner and Mr. P. Sarma, learned counsel for the respondent No.1 and 3. Mr. S.R. Baruah, learned counsel appears for the respondent No.2.

2. Mr. M. Alom, learned counsel for the petitioner submits that the petitioner participated in the tender process pursuant to the NIT dated 28.01.2021, for settlement of Dhipujijan/Garanga/Garsag/Maliapunja Meen Mahal under Morigaon district.

3. The petitioner's counsel submits that the settlement of the above group fishery has not been made in favour of the petitioner and as such, he is entitled to be given back his earnest money. He submits that though a representation dated 31.01.2024 has been submitted to the Deputy Commissioner, Morigaon for return of the earnest money, the same has not been decided till date.

3. Mr. P. Sarma, learned counsel for the respondent Nos.1 & 3 and Mr. S.R. Baruah, learned counsel for the respondent No.2 submit that if the petitioner has not been settled with the fishery, pursuant to the NIT, the earnest money should have been returned to the petitioner.

4. On considering the submissions made by the learned counsels for the parties, it is clear that if the petitioner has not been selected to operate the fishery, pursuant to the NIT dated 28.01.2021, there cannot be any ground for

the respondents to withhold the same from the concerned unsuccessful bidder.

5. In view of the fact that the petitioner's representation dated 31.01.2024 (Annexure-C) has not been decided, the Deputy Commissioner, Morigaon is directed to take a decision on the petitioner's representation for return of his 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 petitioner, if he is entitled to receive the same.

6. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant