

GAHC010180582015



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

Case No. : WP(C)/7968/2015

RAKHAL BISWAS
S/O SRI PACHA BISWAS R/O VILL- DHARMASALA PART-I, P.O.
DHARMASALA DIST. DHUBRI PIN - 783324.

VERSUS

THE ASSAM FISHERIES DEVELOPMENT CORPORATION LTD. and ANR.
REP. BY ITS CHAIRMAN, VIP ROAD, CHACHAL, GUWAHATI- 781036.

2:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
VIP ROAD CACHAL GUWAHATI - 781036

Advocate for the Petitioner : MR.H J TAMULI

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

Date : 27.02.2024

Heard Mr. A. K. Sarma, learned counsel for the petitioner and Mr. P. Sarma, learned Standing Counsel, AFDC.

2. The petitioner herein was settled with the Chandakhola Fishery at Dhubri district for a period of 7 years, w.e.f. the financial year 2015-16 to 31-03-2022, pursuant to a tender process conducted by the authorities. The fishery was settled with the petitioner for an amount of Rs. 9,99,999/- per year.

3. The case of the petitioner is that as per the terms and condition of the tender, the authorities were required to handover the possession of the fishery to the petitioner on 01-04-2015. However, in reality the possession of the fishery was handed over to the petitioner only on 08-07-2015. As such, under the Rules applicable, the petitioner is entitled to remission of revenue paid for the period from 01-04-2015 to 07-07-2015, on account of the fact that the possession of the fishery was not handed over to the petitioner on 01.04.2015

4. Mr. P. Sarma, learned Standing Counsel, AFDC submits that the respondent authorities have agreed to the stand taken by the petitioner that he is entitled to the return of some money for the period from 01.04.2015 to 07.07.2015. Accordingly, the proportionate amount of money will be required to the petitioner, as and when the petitioner submits a certified copy of this order.

5. I have heard the learned counsels for the parties and have perused the official records, wherein it shows that the possession of the fishery was handed over to the petitioner only on 08.07.2015 and as such, the petitioner is entitled to receive some money back from the respondents.

6. In view of the consent of the parties, this writ petition is disposed of, with a direction to the respondent authorities to return to the petitioner the money payable for the period from 01.04.2015 to 07.07.2015, within three weeks from the date of receipt of a certified copy of this order.

JUDGE

Comparing Assistant