

GAHC010263112023



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

Case No. : Review.Pet./124/2023

1: THE FOOD CORPORATION OF INDIA AND 2 ORS. HAVING ITS HEADQUARTERS AT 16-20 BARAKHAMBA LANE NEW DELHI- 110001 INDIA AND REGIONAL OFFICE IN PALTAN BAZAR GUWAHATI KAMRUP (M)- 781008 ASSAM. REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR.

2: THE EXECUTIVE DIRECTOR, FOOD CORPORATION OF INDIA ZONAL OFFICE (NE) G.S. ROAD G.L. PUBLICATION BUILDING ULUBARI GUWAHATI- 781007.

3: THE GENERAL MANAGER (R) FOOD CORPORATION OF INDIA REGIONAL OFFICE MT TOWER G.S. ROAD PALTAN BAZAR GUWAHATI- 781008 KAMRUP(METRO) ASSAM.

VERSUS

M/S G. B. CHOWDHURY HOLDINGS PVT. LTD, A COMPANY REGISTERED UNDER THE COMPANIES ACT 1956 AND HAVING ITS REGISTERED OFFICE AT CHOWDHURY TILLA SARUMOTORIA OPPOSITE DISPUR CAPITAL COMPLEX GUWAHATI- 781006 ASSAM AND IS REP. BY ITS DIRECTOR.

For the Petitioner(s) : Mr. K. Agarwal, Sr. Advocate, assisted by Mr. B.K. Singh, Advocate.

For the Respondent(s) : Mr. N. Deka, Advocate.

– **B E F O R E** –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

25.04.2024

(Vijay Bishnoi, CJ)

This review petition is filed on behalf of the applicants seeking review of the judgment & order dated 09.08.2023 passed by this Court in Writ Appeal No.26/2023. In the review petition, the petitioners have essentially raised a grievance that the

Division Bench has erred in observing that the Grievance Redressal Committee, to whom the respondent/writ petitioner moved for ventilating its grievances raising claim for payment of excess distance, has not decided the claim even though a period of 5(five) years has passed.

It is contended that as a matter of fact though the respondent/writ petitioner in the writ petition has claimed that it has moved a representation before the Grievance Redressal Committee on 03.05.2018 but as a matter of fact no such representation was filed by the respondent/writ petitioner in May, 2018. In fact, the copy of the representation was forwarded by the counsel for the review petitioners to the authorities concerned only on 21.07.2021, who, in turn, was informed that no such representation is pending. Thereafter, pursuant to the communication, along with the representation of the respondent/writ petitioner, sent by the counsel for the review petitioners, a notice was issued to the respondent/ writ petitioner to appear before the Grievance Redressal Committee but the respondent/writ petitioner has not appeared before the said Committee on the premise that the writ petition filed by it is pending.

Mr. K. Agarwal, learned senior counsel for the review petitioners has, therefore, submitted that the Division Bench has erred in making the observation that the Grievance Redressal Committee has not decided the representation filed by the respondent/writ petitioner though a period of 5(five) years has passed. It is contended that if the said observation of the Division Bench goes then the matter is required to be sent to the Grievance Redressal Committee to decide the representation filed by the respondent/writ petitioner. It is, therefore, prayed that the impugned order may kindly be reviewed.

Per contra, Mr. N. Deka, learned counsel for the respondent/writ petitioner has invited our attention towards Paragraph 14 of the writ petition filed by the respondent/writ petitioner, wherein it is specifically averred that the respondent/writ petitioner approached the Grievance Redressal Committee by filing a representation dated 03.05.2018 and the review petitioners in their counter affidavit in Paragraph 13

has admitted that the respondent/writ petitioner had filed an application before the Grievance Redressal Committee and the said application is pending before the Grievance Redressal Committee.

It is contended by the learned counsel for the respondent/writ petitioner that in view of the clear admission of the review petitioners in their counter affidavit to the writ petition, the contention raised by the counsel for the review petitioners that no such application was filed by the respondent/writ petitioner before the Grievance Redressal Committee in the year 2018 is incorrect and, on this ground, the impugned order cannot be reviewed.

Having heard the learned counsel appearing for the parties and after taking into consideration the specific averment made by the respondent/writ petitioner in the writ petition regarding filing of the representation before the Grievance Redressal Committee and the specific admission on the part of the review petitioners in Paragraph 13 of the counter affidavit that the representation before the Grievance Redressal Committee was filed by the respondent/writ petitioner and the same is pending, we do not find any case for review of the impugned judgment & order dated 09.08.2023 passed by this Court in Writ Appeal No.26/2023. Hence, the review application stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant