

GAHC010211832015



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

Case No. : WP(C)/3877/2015

TELAHI SAMABAY SAMITY LIMITED
REP. BY ITS CHAIRMAN, SRI ACHINTA BORAH, S/OO- LT. LILAKANTA
BORAH, P.O.- AZAD, DIST.- LAKHIMPUR, PIN- 787055.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, FOOD, CIVIL
SUPPLIES AND CONSUMER AFFAIRS DEPTT., DISPUR, GHY- 6.

2:DIRECTOR FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM GUWAHATI- 781005.

3:DY. COMMISSIONER LAKHIMPUR PIN- 787001 ASSAM

Advocate for the Petitioner : MS.K SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 03.06.2024

None appears for the petitioner, on call. However, Ms. U. Das, learned Government Advocate is present on behalf of all the respondents.

The petitioner Society by way of instituting the present proceeding, has prayed for a direction upon the respondent authorities for releasing to him, an

amount of Rs. 10,47,242.50 being the expenses incurred by the petitioner Society towards transportation charges involved against the Antyodaya Anna Yojana(AAY) and Mukhya Mantri Anna Surakhyay Yojana(MKASY) schemes for transportation of articles from FCI Godown, Lakhimpur, to the respective Godowns of the Gram Panchayats Samavay Samiti namely Kamalabari Samavay Samiti Ltd..

The Deputy Commissioner, Lakhimpur, has filed affidavit in the matter and therein, has contended that a part of the amount so claimed by the petitioner Society, has been released to the petitioner Society upon necessary processing being made.

The contentions as made in the said affidavit being relevant, are extracted hereinbelow:

“4. That the deponent begs to state that the payment amounting to Rs. 3,11,274.00 (Rupees Three Lakhs Eleven Thousand Two Hundred Seventy Four) has already made to M/S Telahi SS Ltd. for the period June/2008 to April/2011 vide this Office Fund release Order No. NLS.02/2003/Vol-1/84 dated 27-05-2015 against AAY rice transportation.

5. That the deponent begs to state that, payment amounting to Rs. 51,834.00 (Rupees Fifty One Thousand Eighty Hundred Thirty Four) only has already been made to M/S Telahi SS Ltd. for the period October/2010 to March/2011 vide this office fund release order no. NLS/MMASY/TC/34/2011/40 dated 16-06-2015 against MMASY rice transportation.

6. That the deponent begs to state that the outstanding amount of M/S Telahi SS Ltd. against transportation charge of AAY rice for the period of May/2011 to Oct/2015 is Rs. 5,04,630.00 (Rupees Five Lakhs Four Thousand Six Hundred Thirty).

7. That the deponent begs to state that the outstanding bill amount of M/S Telahi SS Ltd. against transportation charge of MMASY rice for the period July/2011 to March/2012 is Rs. 1,44,337.00 (Rupees One Lakh Fofy Four Thousand Three Hundred Thirty Seven).

8. That the deponent begs to state that the demand for requirement of fund for payment of pending dues amounting to Rs. 1,01,58,059.00 (Rupees One Crore One Lakhs Fifty Eight Thousand Fifty One) against transportation charge of AAY rice to different Samabai Somities including the outstanding bill amount of Rs.5,04,630.00 (Five Lakhs Four Thousand Six Hundred Thirty) against AAY rice of M/S Telahi SS Ltd. has already been communicated to Govt. vide Office Letter No. NLS.02/2003/ Vol-1/102 dated 13-11-2015.”

In terms of the contentions as made in the affidavit as filed by the respondent Deputy Commissioner, Lakhimpur, an amount of Rs. 6,48,967/- is due to the petitioner Society as on the date of filing of the said affidavit.

In view of the above position and there being admission that the dues payable to the petitioner Society, have remained unpaid; this writ petition is being disposed of by directing the respondent No. 3/Deputy Commissioner, Lakhimpur, to examine the claim of the petitioner and in the event, it is found that amounts are receivable by the petitioner against the transportation charges against the Antyodaya Anna Yojana(AAY) and Mukhya Mantri Anna Surakhyay Yojana(MKASY) schemes have remained in arrears; the same shall be so determined and released to the petitioner Society within a period of 4 months from the date of receipt of a certified copy of this order.

To facilitate the aforesaid exercise now required to be carried-out by the Deputy Commissioner, Lakhimpur; the petitioner Society shall furnish a certified copy of this order along with a representation making claims of the amounts due to it from the respondent authorities on account of the transportation charges, in question.

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

JUDGE

Comparing Assistant