

GAHC010212112024



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

Case No. : WP(C)/5272/2024

GANAKPARA FISHERY COOPERATIVE SOCIETY LIMITED
REPRESENTED BY ITS SECRETARY, SRI GOVINDA SARKAR, AGED ABOUT
47 YEARS, S/O MONO SARKAR, R/O VILL- GANAKPARA, P.O.-MAKRIKUCI,
DIST- BARPETA, ASSAM

VERSUS

THE ASSAM FISHERIES DEVELOPMENT CORPORATION AND ANR
REPRESENTED BY THE MANAGING DIRECTOR, ASSAM FISHERIES
DEVELOPMENT CORPORATION, CHACHAL, VIP ROAD, GUWAHATI, DIST-
KAMRUP (M), ASSAM, PIN-781036

2:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION
CHACHAL VIP ROAD
GUWAHATI DIST-KAMRUP (M)
ASSAM PIN-78103

Advocate for the Petitioner : MR. S BANIK, MR Y. BARBHUIYA,MR H GUPTA

Advocate for the Respondent : SC, AFDC,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 04.10.2024

Heard Mr. S. Banik, learned counsel for the petitioner, who submits that in pursuance to the NIT No. 14/2023 dated 08.12.2023, the petitioner emerged as the 2nd highest valid bidder. However, as the highest valid bidder refused to

accept settlement of the fishery, the authorities issued a communication dated 20.09.2024 invoking Clause 12.1 of the NIT, whereby the fishery was offered to the petitioner for settlement, at the rate offered by highest bidder. The petitioner submitted a representation dated 26.09.2024 refusing to accept the offer made by the State respondents to settle the fishery at the rate offered by the highest bidder. The petitioner in his letter dated 26.09.2024 stated that the fishery may be settled at the rate offered by the petitioner in his tender document.

2. The petitioner's counsel submits that till date the respondents have not taken a decision on the petitioner's representation dated 26.09.2024. He submits that a direction should be issued to the respondents to take a decision on the petitioner's representation dated 26.09.2024.

3. Mr. P. Sarmah, learned counsel for the AFDC submits that the respondents will make a reply to the petitioner's representation dated 26.09.2024 within a period of one week from today.

4. I have heard the learned counsels for the parties.

5. In the case of ***Ganakpara Fishery Cooperative Society Limited vs. State of Assam and 2 others*** [WP(C) 7555/2023], which was disposed of by judgment and order dated 11.09.2024, this Court had held in para 10 as follows:-

“10. In that view of the matter, while it is held that the petitioner cannot be forced to accept the rate of the first highest bidder, the Department also cannot be given a direction to offer a rate of the second highest bidder if it is not viable

to the Department. Accordingly, the writ petition is disposed of by directing the Corporation to take immediate steps for settlement of the fishery in question in accordance with law and the observations made in this order."

6. In view of the fact that the respondents have not taken a decision on the petitioner's representation dated 26.09.2024, the respondents shall take a decision on the same and communicate its decision to the petitioner within a period of 1 week from today.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant