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

Case No. : I.A.(Civil)/3021/2026

PAIMAN AHMED
SON OF JAMAL AHMED,
13, SHAJALAL PATH, NEAR KALONG,AZAD NAGAR, DISTRICT-NAGAON,ASSAM, pin- -782003,

(BEING A MICRO ENTERPRISE HAVING UDYAM REGISTRATION NO. UDYAMAS-22-0014105)

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT OF FOOD, CIVIL SUPPLIES, CONSUMER AFFAIRS AND LEGAL METROLOGY, DISPUR,GUWAHATI , PIN- 781006

2:THE DISTRICT COMMISSIONER
NAGAON
DISTRICT NAGAON
ASSAM

3:M/S SHREE BALAJI MARBLE AND TILES
REPRESENTED BY ITS SOLE PROPRIETOR
SRI AMIT KUMAR CHOUDHARY
AGED ABOUT 44 YEARS
SON OF LATE LOON KARAN CHOUDHURY
RESIDENT OF SANTIPUR
HAIBARGAON
DISTRICT-NAGAON
ASSAM
PIN - 782002

4:SRI AMIT KUMAR CHOUDHURY

SON OF LATE LOON KARAN CHOUDHURY RESIDENT OF SANTIPUR
HAIBARGAON
DISTRICT- NAGAON
ASSAM
PIN - 78200

Advocate for the Petitioner : MR. C TALUKDAR, R K SHARMA,Y A SARKAR,MR B CHOUDHURY,A GAUTAM,MR. T K BHUYAN
Advocate for the Respondent : GA, ASSAM,

BEFORE

HONOURABLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

31-08-2026
(Arun Dev Choudhury,J)

1. Heard Mr. A. Gautam, learned counsel, for the applicant and Mr. D. Nath, learned Senior Government counsel, for the opposite parties/respondents.

2. The present application has been filed by applicant/appellant seeking leave/ permission to prefer the connected writ appeal against the judgment and order dated 14.08.2026, passed by the learned Single Judge in WP(C) No. 4327/2026.

3. The background facts of the present litigation are in a narrow compass.

4. According to the applicant, by the aforesaid judgment and order, the present applicant, who is an entrepreneur registered as a micro enterprise, has been rendered ineligible to participate in the tender process of NIT dated 27.07.2026, which was issued for selection/appointment of Handling and Transport Contractor for transportation of food grains under the National Food Security Act, 2013 (NFSA).

5. The ratio decidendi of the impugned judgment and order is that in terms of Clause 7(1) of the Targeted Public Distribution System (Control) Order, 2015 (hereinafter referred to as the Order, 2015), read with Clause 2 (g) thereof, only the State or a Co-operative Society is entitled to 'transport' food grains.

6. Learned counsel for the applicant/appellant contends that learned Single Judge held an erroneous assumption that 'lifting' of food grains under Clause 7(1) of the Order, 2015 is synonymous to the 'handling' and 'transportation' of food grains .

7. Learned counsel for the applicant/appellant further contends that the learned Single Judge has suo motu rewritten the tender terms in the teeth of the judgment passed in WP(C) No. 6647/2015 as well as the stipulations of (i) Clauses 7(11) & 7(12), read with Annexure-III of the Order, 2015; (ii) Sections 12 & 31, read with Schedule-III of the NFSA and (iii) Gazette Notification dated 22.12.2023, containing the State's extant " Standard Operating Procedure for Allocation Lifting, Transportation, Distribution of Commodities under NFSA'13 and Inspection of FPS/GPSS/WCCS/LAMPS etc.

8. Be that as it may, as the applicant is aggrieved by the aforesaid judgment and order dated 14.08.2026, more particularly, for the reason that the determination made is adverse to the interest of the applicant and has been taken in his absence, the present Interlocutory Application stands allowed.

9. Registry to register the connected appeal and list it on **09.10.2026** under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant