GAHC010281152018

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

**Case No. : WP(C)/8912/2018**

M/S. JOGANIAR
REP. BY ITS PROPRIETOR RASEL HUSSAIN,
S/O MR. HAIDAR HUSSAIN,
R/O SANTIPUR, HILLSIDE,
P.S. BHARALUMUKH, DIST. KAMRUP (M), GUWAHATI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HEALTH AND FAMILY WELFARE DEPARTMENT,
SACHIVALAYA,
DISPUR, ASSAM- 781006.

2:THE PRINCIPAL CUM CHIEF SUPERINTENDENT

GUWAHATI MEDICAL COLLEGE AND HOSPITAL
GUWAHATI
781021.

3:THE ASSAM SMALL INDUSTRIES DEVELOPMENT CORPORATION LTD.
REP. BY ITS MANAGING DIRECTOR
HAVING ITS OFFICE AT BAMUNIMAIDAM
GUWAHATI
781021.

4:THE MANAGING DIRECTOR

ASSAM SMALL INDUSTRIES DEVELOPMENT CORPORATION LTD. (A GOVT. OF ASSAM UNDERTAKING) BAMUNIMAIDAM
GUWAHATI- 781021

**Advocate for the Petitioner** : MR. S BORTHAKUR, MR. J ABBAS

**Advocate for the Respondent** : SC, HEALTH, SC, ASIDC

**BEFORE**
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

***07.08.2026***

Heard Shri J. Abbas, learned counsel for the petitioner. Also heard Ms. D. Bora, learned Standing Counsel, Health Department, Assam and Shri R. Mali, learned counsel appearing on behalf of Shri S. Das, learned Standing Counsel, ASIDC.

**2.** Considering that this matter is pending since the year 2018 and the affidavit by the contesting respondent having been filed in the year 2019 itself, this petition is taken up for disposal at the admission stage. It may, however, be mentioned that when this matter was taken up for consideration on the last date i.e. 05.08.2026, this Court had noted that it was due to lack of FOC for the particular period that there has been an outstanding of Rs.3,62,318/- to be paid to the petitioner.

**3.** Bereft of details, the facts projected are that the petitioner is an SSI unit duly registered and has been supplying articles under the ASIDC. In the course of business, a supply order was issued in which the petitioner had supplied 75 nos. of Steel Cot with mosquito net provision in four corner of bed and 75 nos. of Drawer Table and 75 nos. of staff/visitors chair to the Gauhati Medical college and Hospital which was duly received on 01.03.2016. Though the bills were submitted by the petitioner for the amount of Rs. 7,24,618/- and the same was also forwarded, the entire amount has not been paid. It is the specific case of the petitioner that after deduction of the VAT, the petitioner has only been paid an amount of Rs.2,74,076/-. However, the balance of Rs. 3,62,618/- has not been paid. Accordingly, this writ petition was instituted in the year 2018.

**4.** Shri Abbas, learned counsel for the petitioner has submitted that there is no dispute on the amount entitled to by the petitioner and in fact, the same has been admitted in the affidavit filed by the respondent no. 2 on 14.03.2019. This Court on the earlier occasion had perused the said affidavit filed by the respondent no. 2 from which it appears that the proposal to the DME, Assam was submitted for revalidation whereafter, for want of further action, the amount could not be paid. In this regard, the averments made in paragraph 7 of the affidavit-in-opposition are to be taken into consideration which reads as follows:

> "*That, with regard to the statement made in paragraph 8 of the writ petition, the deponent begs to state that it is true that a proposal of Hostel furniture was submitted to the Director of Medical Education, Assam for sanctioned of fund of Rs. 14,49,237/- only vide this office letter No. MC/639/2009/406 dated 27/07/2015 and accordingly Govt. had sanctioned an amount of Rs.14,49,237/- only vide their letter dated 02/09/2015.*
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> *That, the deponent had placed two orders before Marketing Manager, ASIDC for supply of Goods vide office order No. MC/639/pt/2009/06 dated 21/09/2015 and No. MC/639/pt/2009/07 dated 21/09/2015 and the deponent submitted ceiling demand for Rs. 14,49,237/- only for purchase of Hostel Furniture to the DME Assam vide letter dated 02/03/2016, but out of which this deponent had received an amount of Rs. 3.62,000/- only as FOC during the year 2015-16, with Rs. 10,87,237/- only as outstanding. Accordingly, the said amount was released to the petitioner vide letter dated 30/04/2016.*
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> *The deponent further begs to state that, in this regard this deponent submitted the proposal to DME. Assam for revalidation sanction of Rs.10,87,237/- only for purchase of Hostel Furniture of GMC under Non plan for the year 2015-16 vide this office order No.MC/639/pt/2009/16 dated 23/05/2016 and letter No. MC/Acctt/03/2018/1647 dated 13/07/2018.*"

**5.** The aforesaid situation is a matter of concern whereby a citizen is required to wait for more than 8 years to get his entitlement only due to lack of FOC for the particular period. It is also matter of concern that, apart from filing of the affidavit, no discernible action was taken by the GMCH authorities to get the matter redressed.

**6.** Ms. Bora, learned Standing Counsel has, however, placed before this Court written instructions dated 06.08.2026 whereby the same stand has been reiterated. The written instruction is, however, accompanied by a communication dated 15.07.2025 as per which, there is a proposal for revalidation sanction for the financial year 2025-2026.

**7.** Be that as it may, since as a matter of fact that the amount in question is yet to be released and there is an admission of the fact, the respondent authorities, more particularly, the respondent nos. 1 and 2 are to take immediate steps to get the matter redressed and take steps for release of the remaining amount of Rs.3,62,618/- to the petitioner. The matter being pending for the last 8 years, the aforesaid action is directed to be taken expeditiously and in any case, within a period of 2 months from the date of receipt of a certified copy of this order.

**8.** The writ petition accordingly stands disposed of.

**JUDGE**

**Comparing Assistant**