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2026:GAU-AS:16491

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

Case No. : WP(C)/4036/2025

COSSIPORE TEA COMPANY PVT LTD
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE COMPANIES ACT, 1956 HAVING ITS REGISTERED OFFICE AT FMC FORTUNA UNIT-A-4, THIRD FLOOR, 234/3A, AJC BOSE ROAD, KOLKATA, 700020, REPRESENTED BY MR. RAMESH KUMAR PODDAR, SON OF DR. MOTILAL PODDAR, PRESENTLY RESIDING AT ANIL PLAZA, AND 2ND FLOOR, G.S. ROAD, GUWAHATI-05, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF ROAD, TRANSPORT AND HIGHWAYS, NEW DELHI.

2:THE NATIONAL HIGHWAYS AND INFRASRUCTURE DEVELOPMENT CORPORATION LTD
HAVING ITS REGIONAL OFFICE AT GUWAHATI
2ND FLOOR AGNISHANTI BUSINESS PARK
OPPOSITE AGP OFFICE
GNB ROAD
AMBARI
GUWAHATI
ASSAM
781001

3:THE COMMISSIONER AND SECREATRY TO THE GOVT. OF ASSAM

REVENUE DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE DISTRICT COMMISSIONER

CACHAR DISTRICT
SILCHAR

5:THE CO DISTRICT COMMISSIONER COMPETEMNT AUTHORITY OF LAND ACQUISITION (CALA) CACHAR

DIST. CACHAR
ASSA

Advocate for the Petitioner : MR. K N CHOUDHURY, MR SOHAING,MR. J KALITA

Advocate for the Respondent : SC, NHAI, SC, REVENUE,GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

10-11-2026

1. Heard Mr. K.N. Choudhury, learned Senior counsel, assisted by Mr. J. Kalita, learned counsel for the petitioner. Also heard Mr. B. Goswami, learned Additional Advocate General, Assam, assisted by Mr. P. Kakati for the respondent Nos. 4 & 5; Ms. Timung, learned counsel appearing on behalf of Mr. R.K. Talukdar, learned Standing counsel, NHIDCL, for the respondent Nos. 1 & 2 and Mr.A. Bhattachajya, learned State counsel for the respondent No.3.

2. The grievance raised, amongst others, in this writ petition is that though the petitioner was intimated of disbursal of an amount of Rs. 3,90,06,495/- against land acquisition compensation, however, an amount of Rs. 49,41,973/- is still pending due.

3. The facts are in narrow compass:

4. A Notice dated 02.02.2024 under Sub-Section (1) of Section 3A of the National Highways Act, 1956 was issued for widening the portion of National Highway

No. 37 in the sketch of land from kilometer 4.560 to kilometer 24.500 in the district of Cachar, Assam, wherein the land of the petitioner to the extent of 10.4616 hectors was also included.

As recorded hereinabove, the value was determined at Rs. 3,90,06,495/-in total.

5. The respondent has filed an affidavit and taken a stand that the reason for non release, is, deduction of labourers' share as mandated under the proviso to Rule 38 of the Assam Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 as amended in 2023, which provides that in case of the Tea Garden labourers (both permanent and temporary) who may be working in the affected area for 3 years prior to the acquisition of the land; whose primary source of livelihood stands affected by the acquisition of land shall be eligible for the payment of 10% of the compensation amount payable towards the acquisition cost of the tea garden concern.

It is the contention of the Competent Authority of Land Acquisition (CALA) that the amount not paid relates to this 10%. It is also contended by the State that the due compensation already determined has been disbursed to the petitioner.

6. Mr. Choudhury, learned Senior counsel for the petitioner submits that in view of the aforesaid stand and as the petitioner is not satisfied with the quantum, the petitioner intends to opt remedy under Section 3G(5) of the National Highways Act, invoking arbitration.

7. In the backdrop of the facts narrated hereinabove, this Court is also of the opinion that the matter relates, essentially to the quantum of the amount determined and such dispute is to be determined by the Arbitrator appointed/notified under Section 3G(5) of the National Highways Act.

8. In view of the aforesaid and as agreed to by the learned counsel for the

parties, the present writ petition stands disposed of permitting the petitioner to approach the Arbitrator in terms of Section 3G(5) of the National Highways Act.

9. Accordingly, the writ petition stands disposed of.

JUDGE

Comparing Assistant