

GAHC010004442026



2026:GAU-AS:604

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

Case No. : I.A.(Civil)/71/2026

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF AGRICULTURE AND
HORTICULTURE, DISPUR, GUWAHATI-781006

2: THE SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF AGRICULTURE AND HORTICULTURE
DISPUR
GUWAHATI-781006

3: THE DIRECTOR OF AGRICULTURE
ASSAM
KHANAPARA
GUWAHATI-781022

4: THE CHIEF ENGINEER
AGRICULTURE
ASSAM
KHANAPARA
GUWAHATI-78102

VERSUS

ROHIT BHARALI @ RUHIT BHARALI
S/O LATE BHABA KANTA BHARALI, R/O NIRALAYA CASTLE, CHACHAL,
SIX MILE, GUWAHATI, DIST.- KAMRUP (M), ASSAM, PIN- 781022

Advocate for the Petitioner : MR. B CHOUDHURY, R BORAH,MS G BORA

Advocate for the Respondent : MR. A CHAKRABARTY,

Linked Case : WP(C)/5781/2023

ROHIT BHARALI @ RUHIT BHARALI
S/O LATE BHABA KANTA BHARALI
R/O NIRLAYA CASTLE
CHACHAL
SIX MILE
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GUWAHATI-781022

Advocate for : 0

Advocate for : SC

AGRI. DEPARTMENT appearing for THE STATE OF ASSAM AND 3 ORS.

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

20.01.2026

Heard Ms. G Bora, learned counsel for the applicants. Also heard Mr. A Chakrabarty, learned counsel for the respondent/writ petitioner.

By way of this interlocutory application, the applicants are seeking recalling of the order dated 18.12.2025 passed in the connected WP(C) No. 5781/2023, whereby a cost of Rs. 5,000/- was imposed on the respondent Agriculture Department for non filing of the counter-affidavit in the matter for more than two years.

Ms. G Bora, learned counsel for the applicants submits that initially the matter was handled by another Standing counsel of the department and inadvertently, after she has been assigned to appear as a Standing counsel for the Agriculture Department in the instant case, the instructions were sent to the other Standing counsel and which was not brought to her notice either by the department or by the said counsel, for which she was unable to file the counter-affidavit and accordingly, seeks waiver of the cost imposed upon the Agriculture Department for delay in filing the counter.

Mr. A Chakrabarty, learned counsel for the respondent/writ petitioner does not oppose to the prayer made in the instant interlocutory application.

Having heard the learned counsels for the parties and having perused the materials available on record, it appears that due to the miscommunication between the two Standing counsels of the Agriculture Department, the counter-affidavit could not be filed in time, for which ultimately the cost has been imposed by this Court. It appears that the Agriculture Department had sent the instructions for preparing the counter-affidavit to one of the Standing counsels who was earlier appearing in the matter. Hence, no fault can be attributed to the Agriculture Department as such. It

further appears that due to the non-communication between the two Standing counsels the return could not be filed in time.

This Court finds the aforesaid explanation bonafide and sufficient and accordingly, in the interest of justice, allows the prayer made in the instant interlocutory application.

Resultantly, the cost of Rs. 5,000/- imposed upon the Agriculture Department hereby stands waived. The rest of the order dated 18.12.2025 passed earlier in the connected WP(C) No. 5781/2023 shall remain the same.

The instant interlocutory application, stands allowed and disposed of.

JUDGE

Comparing Assistant