

GAHC010032762026



2026:GAU-AS:2932

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

Case No. : WP(C)/915/2026

M/S P S ENTERPRISE
A SOLE PROPRIETORSHIP FIRM OF SMT. PRIYANKA SAHA, WIFE OF RANA
SAHA, AGED ABOUT 32 YEARS, HAVING ITS REGISTERED OFFICE AT
KALIBARI ROAD, LUMDING, HOJAI ASSAM 782447.

VERSUS

UNION OF INDIA AND 4 ORS.
THROUGH NORTH EAST FRONTIER RAILWAY, MALIGAON, GUWAHATI,
REPRESENTED BY ITS GENERAL MANAGER, N.F. RAILWAY HEAD
QUARTER, MALIGAON, GUWAHATI 781011.

2:THE CONTROLLER OF STORE
LUMDING DIV- STORES
N.F. RAILWAY ASSAM.

3:THE SSE/D/NGC/(SECTION IN CHARGE)
N.F. RAILWAY
ASSAM.

4:THE SENIOR DIVISIONAL MECHANICAL ENGINEER
(CONTROLLING OFFICER)
N.F.RAILWAY
NEW GUWAHATI
ASSAM.

5:THE SENIOR SECTION ENGINEER
DG-NGC(CUSTODIAN)
N.F. RAILWAY
NEW GUWAHATI
ASSAM

Advocate for the Petitioner : MR J BORAH, MR. K KAKOTI, R SARMAH

Advocate for the Respondent : DY.S.G.I.,

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 25.02.2026

Heard Mr. J. Borah, learned counsel for the petitioner and Mr. H. Gupta, learned Central Government Counsel [CGC] for all the respondents.

2. The petitioner has stated that an auction process was carried out by the North-East Frontier Railway authorities for auction of 10,000 Metric Tonne of Ferrous Wheel Turning Chips, lying at a place inside and in front of CNC Wheel Lathe Shed of DLS NGC/Assam. In the auction process, the petitioner emerged as the successful bidder on 17.07.2025. Thereafter, a Sale Release Order was issued on 25.07.2025.

3. It is the case of the petitioner that when it proceeded to the lifting place with men and materials on 20.08.2025 and 21.08.2025, the lifting could not be done due to incessant rainfall and resultant water logging at the lifting site. As the connecting roads were also completely sub-merged, the transportation was not possible for lifting of the auction purchased materials. Highlighting the above facts, the petitioner submitted a Representation before the competent authority in the North-East Frontier Railway on 02.09.2025. According to the petitioner, the Representation dated 02.09.2025 was not paid any heed. Thereafter, the petitioner renewed his prayer by another Representation submitted on 19.09.2025. In both the Representations, the petitioner highlighting his difficulties in lifting the auction materials from the place of lifting due to sub-merged condition and water logging in and around the lifting place as well as in the connecting road, made a prayer to grant extension of a period of 60 [sixty] days without charge of ground rent effective from the date of issuance of extension order.

4. When the writ petition was moved on 20.02.2026, Mr. Gupta, learned CGC had submitted that he would obtain instructions as to whether the Representations, stated to

have been submitted by the petitioner on 02.09.2025 and 19.09.2025, were disposed of or not after consideration and had sought for listing of the case on 25.02.2026.

5. Today, Mr. Gupta has submitted, on instruction, that the two Representations of the petitioner have not yet been disposed of. He has further submitted that this writ petition can be disposed of with a direction to the respondent authorities, more particularly, the respondent no. 2 to take the said Representations on board and after due consultation with the respondent no. 2, to dispose of the same by way of a speaking order. He has further submitted that a period of 2 [two] weeks would be a reasonable period for the respondent authorities to dispose of the Representation.

6. Mr. Borah, learned counsel for the petitioner has agreed to the above submission of Mr. Gupta.

7. As the two Representations submitted by the petitioner on 02.09.2025 and 19.09.2025 are yet to be given consideration by the respondent authorities in the North-East Frontier Railway, more particularly, the respondent no. 5 and certain factual disputes would fall for determination, this Court is of the considered view, after taking note of the submissions made by the learned counsel for the parties that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent authorities, more particularly, the respondent no. 5 to take the said two Representations on board and after due consultation with the respondent no. 2 and examining verifiable record thereafter, to dispose of the same, by way of a speaking order within a period of 2 [two] weeks from the date of certified copy of this order at his office by the petitioner. It is accordingly ordered. It is made clear that this Court has not made any observation as regards the merits of the claims and the counter claims of the parties and the respondent no. 5 shall consider the claim of the petitioner on its own merits and as per the extant rules and regulations in force.

8. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant