

GAHC010038812026



2026:GAU-AS:4818

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

**Case No. : Cont.Cas(C)/117/2026**

AHSANUL HOQUE BARBHUIYA  
S/O LATE ABDUL MANNAN BARBHUIYA, VILL- DURGAPUR, P.O.-  
BARJATRAPUR, P.S.- BARKHALA, DIST- CACHAR, ASSAM, PIN-788110

VERSUS

HEMANTA BHUYAN, ACS  
COMMISSIONER, FOOD, CIVIL SUPPLIES, CONSUMER AFFAIRS  
DEPARTMENT, ASSAM, RAM KRISHNA MISSION ROAD, ULUBARI,  
GUWAHATI-07

**Advocate for the Petitioner** : MR. S B LASKAR, MS D DUTTA, MR. H A LASKAR

**Advocate for the Respondent** : MR. D NATH, R SAHIINII

**BEFORE**

**HON'BLE MR. JUSTICE ANJAN MONI KALITA**

**01.04.2026**

**ORDER**

Heard Ms. D. Dutta, learned counsel appearing for the petitioner and  
Mr. D. Nath, learned counsel appearing for the sole respondent.

Mr. Nath, learned counsel appearing for the sole respondent submits

that there was a direction by this Court vide order dated 19.11.2025 to the Commissioner, Food, Civil Supplies and Consumer Affairs Department to dispose of the appeal within two months. However, he submits since an amendment has been made to the Assam Public Distribution of Articles Order, 1982, whereby power of disposal of the appeal has been given to the Secretary to the Government of Assam, Food, Public Distribution & Consumer Affairs Department. Therefore, he submits that since the Commissioner does not have any power to dispose of the appeal, the order dated 19.11.2025 could not be complied with.

Mr. D. Nath, learned counsel submits that the since the authority for disposal of the appeal has been changed, the petitioner requires to approach the new authority as per the aforesaid amendment i.e. the Secretary, Food, Public Distribution & Consumer Affairs Department to the Government of Assam by filing a representation. Therefore, he submits that nothing survives in the instant contempt petition for adjudication.

It is seen that amendment has been made to the following effect:-

"Amendment of order 28

*5.In the principal order, in order 28, for clause (a), the following shall be substituted, namely:-*

*"(a)The Secretary to the Government of Assam, Food, Public Distribution and Consumer Affairs Department shall have all the powers vested with the District Commissioner and Licensing Authority."*

In view of the aforesaid submission, the petitioner is directed to

approach the Secretary to the Government of Assam, Food, Public Distribution & Consumer Affairs Department with an application along with the copy of the order dated 19.11.2025 within a period of 10 (ten) days from the date of passing of this order. Thereafter, the Secretary, Food, Public Distribution & Consumer Affairs Department is directed to dispose of the Appeal within a period of two months from receipt of the application from the petitioner

In view of the aforesaid directions, the instant Contempt Petition is disposed of.

**JUDGE**

**Comparing Assistant**