

GAHC010071942025



undefined

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

Case No. : WP(C)/1924/2025

LAIPULI GAON PANCHAYAT SAMABAI SAMITY LIMITED AND 15 ORS.
REGISTERED OFFICE - LAIPULI, BORDUBI ROAD, P.O.- PANITOLA, DIST-
TINSUKIA, ASSAM, PIN-786183 REPRESENTED BY ITS CHAIRMAN, SRI
SAILEN KUMAR BORAH (AGE - 56 YEARS)

2: MARGHERITA GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - MARGHERITA
JAYA NAGAR VIA MARGHERITA
P.O MAKUM PATHAR
DISTRICT TINSUKIA
ASSAM
PIN-786187
REPRESENTED BY ITS SECRETARY
SMTI. SHILPI BORUAH (AGE - 42 YEARS)

3: BORBIL GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - 1 NO. BORBIL
NEAR L.P SCHOOL
P.O DIGBOI
DISTRICT TINSUKIA
ASSAM
PIN-786171
REPRESENTED BY ITS SECRETARY
SMTI. MONALISHA KONWAR (AGE- 41 YEARS)

4: TIPUK GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - RUPAI SIDING
DOOMDOOMA
P.O RUPAI SIDING
DISTRICT TINSUKIA
ASSAM
PIN- 786153
REPRESENTED BY ITS CHAIRMAN
SRI DHARMENDRA SONOWAL (AGE - 50 YEARS)

5: LEDO GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - LEDO BAZAR
P.O LEDO
DISTRICT TINSUKIA
ASSAM
PIN- 786153
REPRESENTED BY ITS SECRETARY
SRI PREM BAHADUR CHETRY (AGE - 32 YEARS)

6: KETETONG GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - KETETONG
P.O KETETONG
DISTRICT TINSUKIA
ASSAM
PIN-786181
REPRESENTED BY ITS SECRETARY
SRI DUMAI DUNIA (AGE - 52 YEARS)

7: GUIJAN GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - GUIJAN 5 NO.
P.O RONGAGORA
DISTRICT TINSUKIA
ASSAM
PIN-786147
REPRESENTED BY ITS SECRETARY
SRI MUNNA PAUL (AGE - 38 YEARS)

8: TINGRAI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - TINGRAI BAZAR
NEAR TINGRAI HIGH SCHOOL
1 NO. AKHOMIA GAON
P.O TINGRAI BAZAR
DISTRICT TINSUKIA
ASSAM
PIN-786171
REPRESENTED BY ITS SECRETARY
SRI SWAPON NAG

9: BAZALTOLI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - BAZALTOLI
P.O BORGURI
DISTRICT TINSUKIA
ASSAM
PIN-786125
REPRESENTED BY ITS SECRETARY
SRI UTPAL NEOG

10: KAKOPATHAR GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - KAKOPATHAR
NEAR FOREST OFFICE
P.O KAKOPATHAR
DISTRICT TINSUKIA
ASSAM
PIN-786152
REPRESENTED BY ITS SECRETARY
SRI SHAMBHU CHOUDHARY (AGE - 56 YEARS)

11: GABHORUBHETI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - GABHORUBHETI
VILLAGE BISHNUPUR
P.O PHILOBARI
DISTRICT TINSUKIA
ASSAM
PIN-786160
REPRESENTED BY ITS SECRETARY
SRI BODRI CHETRY (AGE - 42 YEARS)

12: TALAP GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - BALI BAZAR
TALAP
P.O TALAP
DISTRICT TINSUKIA
ASSAM
PIN-786156
REPRESENTED BY ITS CHAIRMAN
MD. NASHIM ANSARI (AGE - 62 YEARS)

13: BAPUJI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - HOGRIJAN
P.O BORDUBI
DISTRICT TINSUKIA
ASSAM
PIN- 786601
REPRESENTED BY ITS SECRETARY
SRI JYOTI BORDOLOI (AGE - 65 YEARS)

14: DANGORI GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - DANGORI
P.O DANGORI
DISTRICT TINSUKIA
ASSAM
PIN- 786156
REPRESENTED BY ITS SECRETARY
SRI PRONOB SONOWAL (AGE - 33 YEARS)

15: BURIDIHING GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - BIJULIBON
VILLAGE MOILAPUR
P.O CHIKARAJAN
DISTRICT TINSUKIA
ASSAM
PIN- 786150
REPRESENTED BY ITS CHAIRMAN
SRI PUSHPA MARAN (AGE - 48 YEARS)

16: TONGONA GAON PANCHAYAT SAMABAI SAMITY LIMITED
REGISTERED OFFICE - TONGONA BAZAR
P.O TONGONA BAZAR
DISTRICT TINSUKIA
ASSAM
PIN-786152
REPRESENTED BY ITS SECRETARY
SRI SUBORNA DOHOTIA (AGE - 44 YEARS)

VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE DEPARTMENT OF FOOD AND
CONSUMERS AFFAIRS, SHASTRI BHAWAN, NEW DELHI, PIN-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER TO THE GOVT OF ASSAM
FOOD
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI
PIN-781006

3:THE SECRETARY
FOOD
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI
PIN-781006

4:THE DISTRICT COMMISSIONER
TINSUKIA
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS BRANCH
DISTRICT- TINSUKIA
ASSAM
PIN-78612

Advocate for the Petitioner : MR. K N CHOUDHURY, U BHARADWAJ, MS. L WANGSA, MRS. R S DEURI, MR. T DEURI

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

07.04.2025

Heard Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. T. Deuri, learned counsel for the petitioner.

The petitioners are 16 (sixteen) different Co-operative Societies in the Tinsukia District. They are aggrieved by the Notice Inviting Tender (NIT) dated 26.03.2025 issued by the District Commissioner, Tinsukia inviting bids from the private contractors for transportation of food-grains from the designated warehouses of the FCI.

According to the petitioner the Notice Inviting Tender (NIT) itself is violative of the Targeted Public Distribution System (Control) Order, 2015, which was notified on 20.03.2015.

It is submitted by the learned Senior Counsel for the petitioner that the Notice Inviting Tender (NIT) itself is in violation of Clause 2(g) of the order and accordingly, there is no scope for the respondent authorities to initiate NIT for inviting private contractors for lifting the food-grains. It is submitted that this issue is pending before the Writ Appellate Court in Writ Appeal Nos. 240/2018, 297/2018, 12/2018 and 249/2018 and the Status Quo order has been granted in these matters. Pursuant thereto several writ petitions have been filed wherein while issuing notice, the Co-ordinate Bench has stayed the NIT. The learned

counsel for the petitioner prays for similar order.

The learned counsel for the respondents submits that he would like to complete his instructions.

Issue notice returnable on 14.05.2025.

Accordingly, while issuing notice making a returnable after four weeks, let the Notice Inviting Tender (NIT) dated 26.03.2025 be not acted upon till the next returnable date.

Mr. M. Chetia, learned Government Advocate, Assam appears for the respondent Nos. 2 to 4, Mr. S. Borthakur, learned counsel appear on behalf of Mr. S.S. Roy, learned CGC appears for the respondent No.1.

Since the respondents are represented by their respective counsels, notices are waived. However, extra copies be furnished to the learned counsel for the respondent within a period of one week from today.

List on 14.05.2025.

JUDGE

Comparing Assistant