

GAHC010082692024



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

Case No. : WP(C)/2318/2024

UTTAM KR SAHA
S/O MAHENDRA KR. SAHA
R/O WARD NO.7, DHUBRI TOWN,
P.O. DHUBRI
DIST. DHUBRI, ASSAM, PIN-783301

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT,
DISPUR, GUWAHATI -781006

2:THE SECRETARY TO THE GOVT. OF ASSAM

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
DEPARTMENT
DISPUR
GUWAHATI -781006.

3:THE COMMISSIONER OF FOOD

CIVIL SUPPLIES AND CONSUMER AFFAIRS AND LEGAL METROLOGY
DEPARTMENT
ASSAM
GUWAHATI-781005

4:THE DIRECTOR OF FOOD

CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
ASSAM

BHANGAGARH
GUWAHATI-781005

5:THE DISTRICT COMMISSIONER (DC)

DHUBRI
DIST. DHUBRI
ASSAM

6:THE DEPUTY DIRECTOR OF FOOD CIVIL SUPPLIES AND CONSUMER
AFFAIRS

DHUBRI
DIST. DHUBRI
ASSA

Advocate for the Petitioner : MR. B RAHMAN, MR. T J MAHANTA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

09/02/2026

Heard Mr. T J Mahanta, learned Senior counsel assisted by Mr. B Rahman, learned counsel for the petitioner and Mr. D Nath, learned Senior Government Advocate, Assam, appearing for the respondents.

2. The petitioner in the present proceedings has prayed for a direction upon the respondent authorities for release of his contractual dues on account of transportation of PMGKAY rice for the period 2020-2021.

3. The petitioner in the writ petition has projected that he was already transporting rice under the NFSA Scheme and on account of the situation developing due to COVID-19 Pandemic, the petitioner was also required to transport rice under PMGKAY Scheme.

4. It is projected that he was given to understand that the said transportation would be at the rate for which he was transporting NFSA rice. After the petitioner had submitted his bills, the Deputy Commissioner Dhubri, (now District Commissioner, Dhubri) vide a communication dated 20.05.2023 had, inter-alia, while forwarding the bills of the petitioner to the Commissioner, Food, Civil Supplies, Consumers Affairs & Legal Metrology, Assam contended as under:

“In this regard, it is to be mentioned here that Sri Uttam Kr. Saha, Handling & Transport Contractor, Dhubri was allowed to carry on transportation of rice for the financial year 2020-2021 & 2021-2022 as per Tender rate of 2019-2020 also as per verbal order of the then Deputy Commissioner, Dhubri as e-Tender could not be conducted at that time due to COVID-19 and accordingly, he has carried out transportation of NFSA & PMGKAY rice for the financial year, 2020-2021 & 2021-2022 (Letter forwarded to the Director, Food Civil Supplies & Consumer Affairs, Bhangagarh, Guwahati-5 is enclosed herewith as Annexure- 11).”

5. A perusal of the said contention raised in the communication dated 20.05.2023 would go to reveal that the petitioner was required to transport the rice under the PMGKAY Scheme at the tender rate of 2019-2020, which in all probability is for the NFSA Scheme.

6. Mr. D Nath, learned Senior Government Advocate, Assam, by referring to the affidavit filed in the matter, has submitted that the payments under the PMGKAY Scheme is solely made by the Government of India at a fixed rate of Rs.100 per quintal. He submits that the petitioner on account of being released with his bills @ Rs.142.99 and @ Rs.142.94 for Dhubri and South Salmara Districts, respectively, he has been paid more than what he is entitled to.

7. In the present writ petition, no material has been brought to demonstrate as to the conditions imposed while requiring the petitioner to also transport the PMGKAY Scheme rice. The contention in the communication dated 20.05.2023, issued by the Deputy Commissioner, Dhubri, extracted hereinabove, reveals that the petitioner was required to carry out the transportation of rice for the financial year 2020-2021 & 2021-2022 as per the tender rate of

2019-2020 for the district of Dhubri (similar is the case with the transportation made in respect of the South Salmara District).

8. Mr. D Nath, learned Senior Government Advocate, Assam, on the next date of listing, shall clarify the contention as made by the District Commissioner, Dhubri in the said communication dated 20.05.2023 and extracted, hereinabove.

9. Mr. B Rahman, learned counsel assisting Mr. T J Mahanta, learned Senior counsel for the petitioner shall also apprise this Court as to the conditions imposed upon the petitioner while carrying out transportation of rice under the PMGKAY Scheme and also place before this Court any communication issued in this connection.

10. As prayed for by the learned counsels for the parties, Registry to list this matter again on **26.02.2026**.

JUDGE

Comparing Assistant