

GAHC010102062022



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

Case No. : WP(C)/3548/2022

PURVANCHAL COMMUNICATION PVT LTD AND ANR
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956 HAVING ITS
REGISTERED OFFICE AT SURYA TOWER, DR. B. BARUAH ROAD, ULUBARI,
GUWAHATI-781007 AND A PLACE OF BUSINESS AT 4TH FLOOR,
BORDOICHILA BHAWAN (K), ABOVE SAMSUNG PLAZA, G.S. ROAD,
BHANGAGARH, GUWAHATI-781005, ASSAM AND REPRESENTED BY ITS
MANAGING DIRECTOR, SRI SANJIVE NARAIN

2: SANJIVE NARAIN
MANAGING DIRECTOR OF PURVANCHAL COMMUNICATION PVT. LTD.
AND A R/O HOUSE NO. 14
BYE-LANE NO. 1
AJANTA PATH
SURVEY
BELTOLA
GUWAHATI-78102

VERSUS

FOOD CORPORATION OF INDIA AND 5 ORS
A STATUTORY BODY CONSTITUTED UNDER THE FOOD CORPORATIONS
ACT, 1964 HAVING ITS HEADQUARTERS AT 16-20 BARAKHAMBA LANE,
NEW DELHI-110001 AND ONE OF THE REGIONAL OFFICES AT G.S. ROAD,
PALTANBAZAR, ABOVE FBB, MT TOWER (3RD TO 5TH FLOOR),
GUWAHATI, KAMRUP(M), ASSAM, PIN-781008 AND REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR

2:THE CHIARMAN AND MANAGING DIRECTOR
FOOD CORPORATION OF INDIA
16-20 BARAKHAMBA LANE
NEW DELHI
PIN-110001

3:THE GENERAL MANAGER (REGION)

FOOD CORPORATION OF INDIA
REGIONAL OFFICE
ASSAM REGION
G.S. ROAD
PALTANBAZAR
ABOVE FBB
MT TOWER (3RD TO 5TH FLOOR)
GUWAHATI
KAMRUP(M)
ASSAM
PIN-781008

4:THE AREA MANAGER
FOOD CORPORATION OF INDIA
DISTRICT OFFICE
JORHAT
PIN-785001

5:THE GRIEVANCE REDRESASAL COMMITTEE
ZONAL OFFICE (NE)
G.S. ROAD
G.L. PUBLICATION BUILDING
GUWAHATI-781007

6:THE EXECUTIVE ENGINEER (NE)
FOOD CORPORATION OF INDIA
ZONAL OFFICE (NE)
G.S. ROAD
ULUBARI
GUWAHATI-78100

Advocate for the Petitioner : MR S SARMA

Advocate for the Respondent : SC, F C I

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

01.06.2022

Heard Shri S Sarma, learned Senior Counsel assisted by Shri TK Bhuyan, learned counsel for the petitioners, who have put to challenge an order passed by the Grievance Redressal Committed (GRC) of the FCI by which the representation filed by

the petitioner has been rejected.

It is the case of the petitioners that pursuant to a NIT dated 01.07.2015 consisting of various works, the petitioner was found suitable in respect of the work against the Tender No. S&C/1675/Assam/2015/02 which relates to "2. Furkating Complex (Ex-Rly. siding Furkating/FSD Golaghat) to FCI FSD Sangaprou (Imphal) via weighbridge (Distance 315.48 KMs) (Minimum daily requirement of trucks during placement of rake/wagon=30-40; may increase or decrease as per exigency of requirement".

As per the stipulation, the distance mentioned was 315.48 kilometers and accordingly, the rates were quoted. The connected work order was issued on 05.11.2015, pursuant to which the work was executed. The grievance of the petitioner is with regard to the communication dated 05.09.2017 by which the distance was brought down from 315.48 to 295 kilometers which, according to the petitioners, is not permissible in law. The aforesaid action was unsuccessfully represented before the Grievance Redressal Committee as indicated above and thereafter, the present writ petition has been filed.

Issue Notice returnable by 6 weeks.

Ms. S Chakraborty, learned counsel assisting Shri PK Roy, learned Senior Counsel appearing for the Food Corporation of India (FCI) accepts notice on behalf of all the respondents.

Extra copies of the writ petition along with its annexures be served on her within 2 days.

Shri Sarma, learned Senior Counsel prays for some interim protection.

At this stage, this Court is also apprised of an order dated 20.05.2022 passed by this Court in WP(C)/3249/2022 in which it was directed, in the interim that the impugned order of recovery shall remain suspended.

Following the above, it is, accordingly directed that till the returnable date, no coercive action for recovery be taken against the petitioner.

JUDGE

Comparing Assistant