

GAHC010131652013



2026:GAU-AS:2360

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

Case No. : WP(C)/5532/2013

M/S B.B.S. CONSTRUCTION
HAVING ITS OFFICE AT CHANDAS TOWER, HATIGAON ROAD, DISPUR,
GHY-6, KAMRUP METRO, ASSAM, REPRESENTED BY ITS PARTNER SHRI
APURBA KUMAR SAIKIA, S/O LT. PARESH CHANDRA SAIKIA, R/O DR.
JAKIR HUSSAIN PATH, SARUMOTORIA, P.O. and P.S. DISPUR, GHY-6,
KAMRUP METRO

VERSUS

THE ASSAM STATE WAREHOUSING BOARD and 5 ORS
REPRESENTED BY ITS MANAGING DIRECTOR, PANNYAGAR BHAWAN,
CHRISTIANBASTI, AMARAWATI PATH, GHY-5

2:MANAGING DIRECTOR
ASSAM STATE WAREHOUSING BOARD
PANNYAGAR BHAWAN
CHRISTIANBASTI
AMARAWATI PATH
GHY-5

3:FOOD CORPORATION OF INDIA
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR
16-20
BARAKHAMBA LANE
NEW DELHI-110001

4:EXECUTIVE DIRECTOR
NE ZONE
ZONAL OFFICE
FOOD CORPORATION OF INDIA
G.L. PUBLICATION BUILDING
G.S. ROAD

ULUBARI
GHY-7

5:GENERAL MANAGERASSAM
REGIONAL OFFICE
ASSAM REGION
FOOD CORPORATION OF INDIA
G.S.ROAD
ULUBARI
GHY-7

6:NATIONAL BUILDING CONSTRUCTION CORPORATION LTD.
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR
NBCC BHAWAN
LODHI ROAD
NEW DELHI-11000

Advocate for the Petitioner : MR.P D NAIR, MS.S GOGOI,MR.H RAHMAN,MR G ALAM

Advocate for the Respondent : MS.J R THAKUR, MR.P K ROY,MR.R K BORAH,SC,
ASWB,MS.M DUTTA,MRSA CHAKRABORTY,MR.S K CHAKRABORTY,MR.M HUSSAIN,MR.P
PATHAK,MR.A THAKUR,SC, F C I,MR.L P SHARMA

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

18.02.2026

1. Heard Mr. H. Rahman, learned counsel for the petitioner. Also heard Ms. A. Chakraborty, learned counsel for the FCI representing the respondent Nos. 3, 4 and 5, and Ms. J. R. Thakur, learned counsel for the respondent No. 6.
2. The respondent No. 3, Food Corporation of India took up a project to construct a 50,000 Mt. capacity Food Grain Godown at Changsari and had entrusted the said project to the respondent No. 1, Assam State Warehousing Corporation for execution.
3. In turn, the Assam State Warehousing Corporation floated a tender for

execution of various works and the petitioner's bid was accepted and accordingly, work orders were issued.

4. Subsequently, the Food Corporation of India cancelled the entrustment to respondent No. 1, Assam State Warehousing Corporation for certain disputes and allotted the said work to the respondent No. 6.
5. Assailing such work orders issued in favour of the respondent No. 6, the present writ petition is filed along with a prayer to issue a writ of mandamus directing the respondent authorities to pay the running account bill of the petitioner for the work already carried out in respect of the work orders.
6. In the meantime, the Assam State Warehousing Corporation has assailed the action of the Food Corporation of India in a suit registered as Title Suit No. 505/2012, which is still pending for adjudication.
7. The respondent No. 6 has in the meantime carried out the work.
8. In the aforesaid backdrop, in the opinion of this Court, the prayer made by the petitioner for cancelling the work orders issued in favour of the respondent No. 6, cannot be entertained at this belated stage, more particularly, in view of the dispute between the respondent No.3 i.e., Food Corporation of India and the respondent No. 1 i.e., Assam State Warehousing Corporation being adjudicated at present inasmuch as the right of the petitioner to claim the aforesaid amount is through the Assam State Warehousing Corporation and does not directly concern the Food Corporation of India.
9. In view of the aforesaid, this Court cannot adjudicate this writ petition, and accordingly, same stands closed.
10. It is needless to say that the petitioner shall be at liberty to approach appropriate forum, as permissible under law, to adjudicate his grievances as

raised in this writ petition.

JUDGE

Comparing Assistant