

GAHC010177052020



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

Case No. : WP(C)/5347/2020

ECONOMIC DEVELOPMENT ORGANISATION
HAVING ITS REGD. OFFICE AT BHALUKDHARA, TAMULI ROAD (WARD
NO.8), P.O. AND P.S. DHEKIAJULI, DIST. SONITPUR, PIN-784110, ASSAM
AND REP. BY ITS SECRETARY.

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY, MINISTRY OF TEXTILE, UDYOG BHAWAN, DR.
MAULANA AZAD ROAD, NEW DELHI-110011.

2:THE DEVELOPMENT COMMISSIONER

OFFICE OF THE DEVELOPMENT COMMISSIONER (HANDICRAFT)
GOVT. OF INDIA
MINISTRY OF TEXTILES
WEST BLOCK NO.-VII
SECTOR-1
R.K. PURAM
NEW DELHI-110066.

3:THE DEPUTY DIRECTOR (DESIGN)

OFFICE OF THE DEVELOPMENT COMMISSIONER (HANDICRAFT)
GOVT. OF INDIA
MINISTRY OF TEXTILES
WEST BLOCK NO.-VII
SECTOR-1
R.K. PURAM
NEW DELHI-110066.

4:THE ASSTT. DIRECTOR (DESIGN)

OFFICE OF THE DEVELOPMENT COMMISSIONER (HANDICRAFT)
GOVT. OF INDIA
MINISTRY OF TEXTILES
WEST BLOCK NO.-VII
SECTOR-1
R.K. PURAM
NEW DELHI-110066.

5:THE PAY AND ACCOUNTS OFFICER

CENTRAL PAY AND ACCOUNTS OFFICER
OFFICE OF THE DEVELOPMENT COMMISSIONER (HANDICRAFT)
GOVT. OF INDIA
MINISTRY OF TEXTILES
WEST BLOCK NO.-VII
SECTOR-1
R.K. PURAM
NEW DELHI-110066.

6:THE REGIONAL DIRECTOR (NER)

OFFICE OF THE DEVELOPMENT COMMISSIONER (HANDICRAFT)
NERO
GUWAHATI.

7:THE ASSTT. DIRECTOR (H)

OFFICE OF THE DEVELOPMENT COMMISSIONER (HANDICRAFT)
MARKETING AND SERVICE EXTENSION CENTRE
MINISTRY OF TEXTILE
GOVT. OF INDIA
JORHAT-785001

Advocate for the Petitioner : MR. A D CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 06.06.2022

Heard Mr. A.D. Choudhury, learned counsel for the petitioner and Mr.

P.S. Bhattacharya, learned Central Government Counsel for all the respondents.

2. By an order dated 05.01.2011, the office of the Development Commissioner [Handicrafts], Ministry of Textiles, Government of India sanctioned an amount of Rs. 5,00,000/- as first installment out of the total sanctioned amount of Rs. 10,00,000/- as Non-recurring Grant-in-Aid for organizing one Integrated Design & Technical Development project in embroidery and artistic textile craft at Singri, Dhekiajuli, Sonitpur for a duration of 6 [six] months in favour of the petitioner organization in collaboration with the Regional Design & Technical Development Centre, Guwahati – H&MSEC, Jorhat by engaging Designer[s] from the empanelled list of designer of the said office or an alumni of NID/NIFT. Out of the total sanctioned amount of Rs. 10,00,000/-, an amount of Rs. 2,50,000/- was earmarked for designer's fee including TA/DA.

3. The petitioner has asserted that it has completed the project as per the terms and conditions of the sanction order dated 05.01.2011. By a letter dated 18.01.2013 [Annexure-2], the office of the Development Commissioner [Handicrafts] had recommended to deduct the designer fee for 1 [one] month. Subsequent to the letter dated 18.01.2013, the office of the Development Commissioner [Handicrafts] reimbursed a further amount of Rs. 2,03,660/- in favour of the petitioner organization as 2nd and final installment in the shape of reimbursement as follows :

Sanctioned amount	: Rs. 10,00,000/-
DC [HC]'s share of the admitted expenditure	: Rs. 7,03,660/-
Amount released as first installment	: Rs. 5,00,000/-
Balance being released now	: Rs. 2,03,660/-

4. The contention of the petitioner organization is that the project was of 6 [six] months' duration and the designer fee of 1 [one] month would come around Rs. 41,667/-. But the respondent Development Commissioner [Handicrafts] has deducted an amount of Rs. 2,96,340/- which, according to the petitioner, is arbitrary. If an amount of Rs. 41,667/- is deducted, the petitioner is entitled to an amount of Rs. 4,58,333/-.

4.1. The further contention of the petitioner is that the petitioner organization has neither received Rs. 2,03,660/- in deference to the order dated 28.02.2013 nor it has received the amount of Rs. 4,58,333/-.

5. Mr. Bhattacharya, learned Central Government Counsel shall obtain instructions as to why the aforesaid sum of Rs. 4,58,333/- has not been released in favour of the petitioner till date. A copy of the order be furnished to Mr. Bhattacharya to obtain instructions in the matter.

6. It is observed that in the event no instructions is placed before this Court on the next date of listing, the writ petition will be considered on the basis of the materials available on record as no counter-affidavit has been filed by the respondents despite issuance of notice to them on 16.12.2021. List the case after the ensuing summer vacation, on a date to be fixed by the office.

JUDGE

Comparing Assistant