

GAHC010229912024



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

Case No. : WA/372/2024

M/S SATYA NARAYAN SARMA TRADERS, GOALPARA
REPRESENTED BY ITS MANAGING DIRECTOR, GOALPARA TOWN, P.O.-
BALADMARI, P.S. AND DISTRICT- GOALPARA, ASSAM. PIN - 783101

VERSUS

1.BARDAMAL GPSS LTD AND 28 ORS
REPRESENTED BY ITS SECRETARY MOFIDUL ISLAM, AGED ABOUT 49
YEARS, RESIDENT OF VILLAGE AND P.O.- BARDAMAL, P.S.- AGIA,
DISTRICT- GOALPARA, ASSAM. PIN NO.- 783120

2:KRISHNAI GPSS LTD.
REPRESENTED BY ITS CHAIRMAN MOIJUDDIN SHEIKH
AGED ABOUT 62 YEARS
RESIDENT OF VILLAGE P.O. AND P.S.- KRISHNAI
DISTRICT- GOALPARA ASSAM. PIN NO.- 783126

3:DODAN GPSS LTD.
REPRESENTED BY ITS SECRETARY JOGENDRA CHANDRA RABHA
AGED ABOUT 48 YEARS
RESIDENT OF VILLAGE- BAIDA P.O.- JURIGAON
P.S.- LAKHIPUR DISTRICT- GOALPARA ASSAM. PIN NO.- 783120

4:BALIJANA GPSS LTD.
REPRESENTED BY ITS CHAIRMAN SUKDHAN RABHA
AGED ABOUT 53 YEARS
SON OF LATE DHANESWAR RABHA
RESIDENT OF VILLAGE P.O. AND P.S.- AGIA
DISTRICT- GOALPARA ASSAM. PIN NO.- 783120

5:JOYRAMKUCHI GPSS LTD.
REPRESENTED BY ITS CHAIRMAN DEBCHARAN RABHA
AGED ABOUT 53 YEARS
RESIDENT OF VILLAGE- THARKO

P.O.- PANICHALI P.S.- LAKHIPUR
DISTRICT- GOALPARA ASSAM. PIN NO.- 783129

6:GURIADHAP GPSS LTD.
REPRESENTED BY ITS SECRETARY AKSADUR RAHMAN
AGED ABOUT 58 YEARS
RESIDENT OF VILLAGE AND P.O.- DHUMERGHAT
P.S.- LAKHIPUR DISTRICT- GOALPARA ASSAM. PIN NO.- 783330

7:CHUNARI GPSS LTD.
REPRESENTED BY ITS SECRETARY NOZRUL ISLAM
AGED ABOUT 39 YEARS
RESIDENT OF VILLAGE AND P.O.- CHUNARI
P.S.- LAKHIPUR DISTRICT- GOALPARA ASSAM. PIN NO.- 783129

8:GOALPARA WHOLESALE LTD.
REPRESENTED BY ITS SECRETARY AMINUL HOQUE
AGED ABOUT 57 YEARS
RESIDENT OF- GOALPARA TOWN WARD NO.- 3 P.O. AND P.S.- GOALPARA
SADAR DISTRICT- GOALPARA
ASSAM. PIN NO.- 783101

9:FAIR PRICE DEALER CARRIAGE AND CONTRACT CO-OPERATIVE
SOCIETY LTD. REPRESENTED BY ITS SECRETARY AMINUL HUSSAIN
AGED ABOUT 62 YEARS
RESIDENT OF- GOALPARA TOWN WARD NO.- 3
P.O. AND P.S.- GOALPARA SADAR DISTRICT- GOALPARA
ASSAM. PIN NO.- 783101

10:JALESWAR GPSS LTD.
REPRESENTED BY ITS SECRETARY ABDUN NUR MOLLAH
AGED ABOUT 57 YEARS
RESIDENT OF VILLAGE AND P.O.- JALESWAR
P.S.- LAKHIPUR DISTRICT- GOALPARA ASSAM. PIN NO.- 783132

11:JAKHILI GPSS LTD.
REPRESENTED BY ITS SECRETARY ANANDA RAM BARMAN
AGED ABOUT 38 YEARS
RESIDENT OF VILLAGE AND P.O.- DHAIGAON
P.S.- KRISHNAI DISTRICT- GOALPARA ASSAM. PIN NO.- 783126

12:RANGJULI GPSS LTD.
REPRESENTED BY ITS CHAIRMAN SAHADEV RABHA
AGED ABOUT 49 YEARS
RESIDENT OF VILLAGE P.O. AND P.S.- RANGJULI
DISTRICT- GOALPARA ASSAM. PIN NO.- 783130

13:DUDHNAI GPSS LTD.
REPRESENTED BY ITS SECRETARY GUNADHAR RABHA
AGED ABOUT 57 YEARS
RESIDENT OF VILLAGE P.O. AND P.S.- DUDHNAI
DISTRICT- GOALPARA ASSAM. PIN NO.- 783124

14:DHANUBHANGA GPSS LTD.
REPRESENTED BY ITS SECRETARY TIRTHALOCHAN KACHARY
AGED ABOUT 55 YEARS
RESIDENT OF VILLAGE AND P.O.- DHANUBHANGA
P.S.- DHUPDHARA DISTRICT- GOALPARA ASSAM. PIN NO.- 783130

15:BIKALI GPSS LTD.
REPRESENTED BY ITS SECRETARY JAGADISH BASUMATARY
AGED ABOUT 46 YEARS
RESIDENT OF VILLAGE P.O. AND P.S.- DHUPDHARA
DISTRICT- GOALPARA ASSAM. PIN NO.- 783123

16:TAKIMARI GPSS LTD.
REPRESENTED BY ITS CHAIRMAN MONIR UDDIN AHMED
AGED ABOUT 46 YEARS
RESIDENT OF VILLAGE AND P.O.- TAKIMARI
P.S.- LAKHIPUR DISTRICT- GOALPARA ASSAM. PIN NO.- 783129

17:KALSABHANGA RAWKHOWA GPSS LTD.
REPRESENTED BY ITS SECRETARY JAHIRUL ISLAM MANDAL
AGED ABOUT 43 YEARS
RESIDENT OF VILLAGE AND P.O.- RAWKHOWA
P.S.- CHUNARI DISTRICT- GOALPARA ASSAM. PIN NO.- 783129

18:BAGUAN GPSS LTD.
REPRESENTED BY ITS CHAIRMAN ABDUR RAHIM
AGED ABOUT 49 YEARS
RESIDENT OF VILLAGE P.O. AND P.S.- BAGUAN
DISTRICT- GOALPARA ASSAM. PIN NO.- 783129

19:JHUNKAIPARA GPSS LTD.
REPRESENTED BY ITS SECRETARY SHAMIM HASSAN
AGED ABOUT 28 YEARS
RESIDENT OF VILLAGE- JHUNKAIPARA
P.O.- SIMLABARI P.S.- BAGUAN
DISTRICT- GOALPARA ASSAM. PIN NO.- 783101

20:BODAHAPUR GPSS LTD.
REPRESENTED BY ITS SECRETARY MAHENDRA RAY
AGED ABOUT 61 YEARS
RESIDENT OF VILLAGE AND P.O.- BODAHAPUR
P.S.- AGIA DISTRICT- GOALPARA ASSAM. PIN NO.- 783120

21:SRI SRI SURJYAGIRI GPSS LTD.
REPRESENTED BY ITS SECRETARY AFIZ UDDIN AHMED
AGED ABOUT 73 YEARS
RESIDENT OF VILLAGE AND P.O. DUBAPARA
P.S.- MORNAI DISTRICT- GOALPARA ASSAM. PIN NO.- 783101

22:SIDHABARI GPSS LTD.
REPRESENTED BY ITS SECRETARY SUSHIL KUMAR NATH
AGED ABOUT 57 YEARS
RESIDENT OF VILLAGE- SIDHABARI
P.O.- BAKAITARI P.S.- MATIA
DISTRICT- GOALPARA ASSAM. PIN NO.- 783125

23:DALGOMA GPSS LTD.
REPRESENTED BY ITS SECRETARY AZIZUL HOQUE
AGED ABOUT 49 YEARS
RESIDENT OF VILLAGE- BUDUCHAR
P.O.- DALGOMA P.S.- MATIA
DISTRICT- GOALPARA ASSAM. PIN NO.- 783125

24:THE UNION OF INDIA
REPRESENTED BY SECRETARY TO THE DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
SHASTRI BHAWAN NEW DELHI. PIN- 110001

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

26:THE COMMISSIONER OF FOOD
PUBLIC FISTRIBUTION CONSUMER AFFAIRS AND LEGAL METROLOGY
ASSAM ULUBARI GUWAHATI- 07

27:THE SECRETARY TO THE GOVT. OF ASSAM
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS ASSAM
GUWAHATI- 781006 DISTRICT- KAMRUP (M) ASSAM

28:THE DIRECTOR OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS ASSAM
BHANGAGARH GUWAHATI- 781005
DISTRICT- KAMRUP (M) ASSAM

29:THE DISTRICT COMMISSIONER GOALPARA
P.S. AND DISTRICT- GOALPARA ASSAM. PIN- 78310

Linked Case : I.A.(Civil)/3355/2024

M/S SATYA NARAYAN SARMA TRADERS, GOALPARA
REPRESENTED BY ITS MANAGING DIRECTOR
GOALPARA TOWN P.O.- BALADMARI
P.S. AND DISTRICT- GOALPARA ASSAM. PIN - 783101

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BHANGAGARH GUWAHATI- 781005 DISTRICT- KAMRUP (M) ASSAM

29:THE DISTRICT COMMISSIONER GOALPARA
P.S. AND DISTRICT- GOALPARA ASSAM. PIN- 783101

For the Appellant : Mr. T.J. Mahanta, Senior Advocate assisted by Ms. P. Sarma, Advocate and Ms. P.P. Das, Advocate.

For the Respondent(s) : Mr. R.K.D. Choudhury, Deputy Solicitor General of India for respondent No.24.

: Mr. D.K. Sarmah, Additional Senior Government Advocate, Assam for respondent Nos.25 to 29.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

04.11.2024

(Vijay Bishnoi, CJ)

Mr. T.J. Mahanta, learned Senior Counsel appearing for the appellant has submitted that the decision of the State Government to appoint a third party as transporter/handling contractors at the highly inflated rate of cost of transportation of essential commodities was challenged by the respondent Gaon Panchayat Samabay Samiti Ltd. (in short, GPSS) by way of filing writ petition, being WP(C) No.6648/2015. However, the said writ petition filed by the respondent GPSS was dismissed by learned Single Judge vide order dated 29.11.2017 affirming the decision of the State Government of awarding the contract for lifting Public Distribution System (PDS) Commodities and transporting the same to the fair shops under the different Gram Panchayats.

It is submitted that the said decision of the learned Single Judge has not been assailed by the respondent GPSS at any point of time and since 2017, the contract of lifting the PDS commodities and transporting the same to the fair price shops under the different Panchayats is with the appellant. However, the respondent GPSS, without disclosing this fact, had approached the learned Single Judge and the learned Single Judge vide order dated 04.10.2024 passed in WP(C) No.5184/2024 has restrained the State from allotting the transport contract to the appellant after 31.10.2024.

Mr. Mahanta, learned Senior Counsel for the appellant has, therefore, submitted that once the action of the State Government of awarding the

contract of lifting the PDS commodities and transporting the same to the fair price shops at different gram panchayats is upheld by this Court, any interference by the learned Single Judge is without any justification.

Issue notice.

Mr. R.K.D. Choudhury, learned Deputy Solicitor General of India has put in appearance and accepted notice on behalf of respondent No.24 and Mr. D.K. Sarmah, learned Additional Senior Government Advocate, Assam has put in appearance and accepted notice on behalf of respondent Nos.25 to 29.

Hence, no formal steps for service of notice upon the respondent Nos.24 to 29 need to be taken. However, the appellant to furnish requisite copies of the memo of appeal to the learned counsel representing the above referred respondents.

Let notice be issued to the respondent Nos.1 to 23, returnable in 4(four) weeks.

Appellant to take steps for service of notice upon the respondent Nos.1 to 23 by registered post with A/D.

In the meantime, the order dated 04.10.2024 passed by the learned Single Judge in WP(C) No.5184/2024 directing the State respondents not to extend the contract awarded to the appellant beyond 31.10.2024, shall remain stayed.

List this matter after 4(four) weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant