

GAHC010229912024



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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

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.- PANICALI
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
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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
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12:RANGJULI GPSS LTD.
REPRESENTED BY ITS CHAIRMAN SAHADEV RABHA
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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
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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 DISTRIBUTION
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ASSAM
ULUBARI
GUWAHATI- 07

27:THE SECRETARY TO THE GOVT. OF ASSAM
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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

Advocate for the Petitioner : MR. T J MAHANTA, R BORDOLOI,MS. P P DAS,MS P SARMA,MR. A BORUA,MR. TARUN GOGOI,MR. P P DUTTA

Advocate for the Respondent : DY.S.G.I., MS. A KAUSHAR (R-1 TO 23),MR S ISLAM (R-1 TO 23),MR. A CHOUDHURY (R-1 TO 23),MR H R A CHOUDHURY (R-1 TO 23),GA, ASSAM

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

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GOALPARA
P.S. AND DISTRICT- GOALPARA
ASSAM. PIN- 783101

Advocate for : MR. T J MAHANTA
Advocate for : DY.S.G.I. appearing for BARDAMAL GPSS LTD AND 28 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : **06.02.2026**
(K.R. Surana, J)

Heard Mr. T.J. Mahanta, learned senior counsel assisted by Ms. P. Sarma,
learned counsel for the appellant.

2. The learned senior counsel for the appellant has submitted that although this matter has been listed on many occasions and the interim order passed by the learned Single Judge dated 04.10.2024, passed in WP(C) 5184/2024 has been stayed but in absence of any affidavit by the State respondents, this appeal, which is ready for hearing could not be heard.
3. Mr. D. Sharma, learned Additional Senior Govt. Advocate has submitted that he praying for some more time to file an affidavit. On a query of the Court, he submits that he has issued 3rd reminder to the District Commissioner, Goalpara for instructions. However, no instructions have been received.
4. In this writ appeal the first/ initial order was passed on 04.11.2024 and despite the matter was listed on 10.02.2025, 26.03.2025, 21.05.2025 and 30.01.2026, State has not filed any affidavit. Moreover, the writ petitioner has also not filed any affidavit for more than 1 year, 2 months.
5. As we find that the learned Additional senior Govt. Advocate is depending on the instructions to be received from the District Commissioner, Goalpara to argue the case, which he has not received despite 3 (three) reminders, the Court is inclined to issue a direction upon the Chief Secretary to the Govt. of Assam to ensure that the District Commissioner, Goalpara positively attends the Office of the Senior Govt. Advocate without fail unless there is medical emergency, on 10.02.2026 with all requisite documents so as to provide complete instructions to the learned Additional Senior Govt. Advocate, failing which adverse inferences will be drawn against the State for not co-operating with its Law Officer by providing timely instructions, and the matter would be heard on the basis of materials available on record.
6. We request the learned Additional Senior Govt. Advocate to transmit a downloaded copy of this order to the Chief Secretary to the Govt. of Assam as

well as to the District Commissioner, Goalpara, to do the needful.

7. Interim order stands extended till the next date of listing.
8. List the matter on 16.02.2026.

JUDGE

JUDGE

Comparing Assistant