



GAHC010233812023



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

Case No. : WP(C)/6116/2023

M/S SAMIM AKHTER CHOUDHURY
A PROPRIETORSHIP FIRM HAVING ITS OFFICE AT SIX MILE, PANJABARI
ROAD,
HOUSE NO. 29, GUWAHATI- 781022, DISTRICT- KAMRUP(M), ASSAM,
REPRESENTED BY ITS SOLE PROPRIETOR,
SRI SAMIM AKHTER CHOUDHURY, AGED ABOUT 53 YEARS,
SON OF LATE JALIL AHMED CHOUDHURY,
RESIDENT OF HOUSE NO. 29, SIX MILE,
PANJABARI ROAD, GUWAHATI- 781022,
DISTRICT- KAMRUP(M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
FOREST AND ENVIRONMENT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE DIVISIONAL FOREST OFFICER
GOLAGHAT FOREST DIVISION
DISTRICT- GOLAGHAT
ASSAM
PIN- 785621.

3:THE DIVISIONAL FOREST OFFICER
KARBI ANGLONG EAST DIVISION

DIPHU
DISTRICT- KARBI ANGLONG

ASSAM



PIN- 782460.

4:THE NUMALIGARH REFINERY LIMITED
A GOVERNMENT OF INDIA UNDERTAKING

HAVING ITS REGISTERED OFFICE AT 122 A
G.S. ROAD
CHRISTIAN BASTI

GUWAHATI- 781005
REPRESENTED BY ITS MANAGING DIRECTOR.

5:THE CHAIRMAN
NUMALIGARH REFINERY LIMITED
122A
G.S. ROAD
CHRISTIAN BASTI

GUWAHATI
KAMRUP(M)
ASSAM

PIN- 781005.

6:THE MANAGING DIRECTOR
NUMALIGARH REFINERY LIMITED
122A
G.S. ROAD
CHRISTIAN BASTI

GUWAHATI
KAMRUP(M)
ASSAM

PIN- 781005.

7:THE GENERAL MANAGER (COMMERCIAL)
NUMALIGARH REFINERY LIMITED
NRL COMPLEX
NUMALIGARH
DISTRICT- GOLAGHAT

ASSAM
PIN- 785699.

8:THE GENERAL MANAGER (PROJECT)
NUMALIGARH REFINERY LIMITED
NRL COMPLEX



NUMALIGARH
DISTRICT- GOLAGHAT

ASSAM
PIN- 785699.

9:THE HEAD (PROJECT-COMMERCIAL)
NUMALIGARH REFINERY LIMITED
NRL COMPLEX
NUMALIGARH
DISTRICT- GOLAGHAT

ASSAM
PIN- 785699.

10:THE RESIDENT CONSTRUCTION MANAGER
ENGINEERS INDIA LIMITED CUM ENGINEER IN-CHARGE

DCU REVAMP PROJECT
NRL

NUMALIGARH
DISTRICT- GOLAGHAT

ASSAM
PIN- 785699

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : SC, FOREST

Linked Case : I.A.(Civil)/3550/2023

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A PROPRIETORSHIP FIRM HAVING ITS OFFICE AT SIX MILE
PANJABARI ROAD

HOUSE NO. 29
GUWAHATI- 781022
DISTRICT- KAMRUP(M)
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REPRESENTED BY ITS SOLE PROPRIETOR



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NRL

NUMALIGARH
DISTRICT- GOLAGHAT

ASSAM
PIN- 785699.

Advocate for : MR. R SARMA

Advocate for : SC

FOREST appearing for THE STATE OF ASSAM AND 9 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : --22.12.2023

Heard Mr. R. Sarma, learned counsel for the applicant as well as Mr. N. Deka, learned counsel for the NRL, respondent No. 4 to 9. None appears on call for the opposite party Nos. 1, 2 and 3.

2. This Interlocutory Application has been filed by the applicant, who is writ petitioner in WP(C) No. 6116/2023, with a prayer to modify the order of this Court dated 16.10.2023, passed in WP(C) No. 6116/2023 by permitting the respondent nos. 4 to 9 to process the bills of the applicants, if there is no other impediment to the release the contractual dues after deducting the taxes and other levies due to the Forest Department and other statutory authorities.

3. In connection with the prayer made, the learned counsel for the respondent nos. 4 to 9 has submitted that under the Assam Minor Mineral Concession Rules, 2013, as amended in 2021, it has been provided that in the event a contractor does not pay the requisite forest royalty then a duty has been cast on the respondent no.4, which is a Central Government undertaking,



to ensure that the requisite forest royalty is either paid by the contractor or the same shall be deducted by the respondent no. 4 from the payment due and remitted to the forest department. Accordingly, it is submitted that the respondent nos. 4 to 9 would otherwise have no objection to process the bills of the applicants. However, it is submitted that respondent nos. 4 to 9 would be bound by the directions of the State of Assam as provided by the aforesaid Assam Minor Minerals Concession Rules (as amended).

4. Taking note of the submission of the learned counsel for the applicants and on hearing the learned counsel for the respondent nos. 4 to 9, the Court is inclined to direct that in the event the applicant is unable to satisfy the respondent nos. 4 to 9 about payment of royalty and if there is no other impediment, and after retaining the Forest Royalty and other statutory dues payable to the authorities as per law, release the contractual dues of the applicant.

5. The applicant shall produce a certified copy of this order before the concerned respondents to bring the order to the notice of the said authorities with a copy thereof to the learned counsel for the said respondent nos. 4 to 9.

This interlocutory application stands disposed of.

JUDGE

Comparing Assistant