

GAHC010278242025



2026:GAU-AS:5521

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

Case No. : WP(C)/305/2026

JAIKISSAN SEEDS CORPORATION AND ANR
A PROPRIETORSHIP FIRM, REPRESENTED BY ITS PROPRIETOR, AZIZUL
KHAN, AGED ABOUT 46 YEARS, HAVING ITS REGISTERED OFFICE AT T.R.
PHOOKAN ROAD, MACHKHOWA, GUWAHATI 781009, P.O.
BHARALUMUKH, P.S. BHARALUMUKH, DIST. KAMRUP (M), ASSAM.

2: AZIZUL KHAN
SON OF LATE NAZRUL ISLAM
RESIDENT OF- HOUSE NO. 45 D.C. TALUKDAR LANE
SANTIPUR
GUWAHATI- 781009
DISTRICT- KAMRUP (M)
AT GUWAHAT

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, AGRICULTURE DEPARTMENT, DISPUR,
GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWVAHATI- 781006

3:THE DIRECTOR OF AGRICULTURE
ASSAM
OFFICE OF THE DIRECTORATE OF AGRICULTURE
KHANAPARA
GUWAHATI- 781022

4:THE ASSAM SEEDS CORPORATION LTD.

REPRESENTED BY ITS MANAGING DIRECTOR
KHANAPARA
GUWAHATI- 781022

5:THE MARKETING MANAGER
ASSAM SEEDS CORPORATION
KHANAPARA
GUWAHATI- 781022

6:THE DISTRICT AGRICULTURE OFFICER
DISTRICT AGRICULTURAL OFFICE
MAJULI
PIN- 78510

For the Petitioner(s) : Mr. N.N.B. Choudhury, Advocate

For the Respondent(s) : Ms. G. Bora, Standing Counsel
Mr. S. Chamaria, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.04.2026

Heard Mr. N.N.B. Choudhury, the learned counsel appearing on behalf of the petitioners. Ms. G. Bora, the learned Standing Counsel appears on behalf of the Agriculture Department and Mr. S. Chamaria, the learned Standing Counsel appears on behalf of the Assam Seeds Corporation Limited.

2. The instant writ petition has been filed being aggrieved by the inaction on the part of the Respondent Authorities in not making payment of the admitted amount of Rs.15,21,679.40p. to the petitioners.

3. The petitioner No. 1 is a proprietorship firm in the name and style of "Jaikissan seeds Corporation", and the petitioner No. 2 is the proprietor of the said firm. The case of the petitioners, in brief, is that pursuant to a tender process initiated by an e-Tender Notice dated 05.02.2019, the petitioners having emerged successful, was issued a Supply Order on 23.11.2020 for supply of 'Summer Hybrid Vegetable Seeds' as per specification mentioned in Annexure-1 and Annexure-2 thereof. As per Annexure-2, the total amount for supply was mentioned as Rs. 28,49,587.40p. According to the petitioners, the petitioners had duly supplied the Summer Hybrid Vegetable Seeds in terms with the Supply Order dated 23.11.2020 and thereafter, submitted bill for the said amount. It is the further case of the petitioners that the petitioners had only been disbursed a part-payment of Rs. 13,27,908/- on 09.05.2022 and an amount of Rs. 15,21,679.40p. is still pending for disbursal. Seeking a direction to the Respondent Authorities to disburse the balance amount of Rs. 15,21,679.40p. immediately, the petitioners have approached this Court by the instant writ petition.

4. The learned counsel for the petitioners submitted that the petitioners, on several occasions, approached the Respondent Authorities for payment of the aforesaid amount due to the petitioners for the successful delivery of "Summer Hybrid

Vegetable Seeds". However, for reasons best known to the authorities, although assurances were made from time to time to release the payment, no payment of the outstanding amount has been made.

5. The records reveal that vide order dated 23.03.2026, notice was issued. It is further seen that the respondent Nos. 4 and 5 have filed an affidavit-in-opposition wherein at paragraph No. 9, they have duly admitted that an amount of Rs. 15,21,679/- is outstanding and payable to the petitioners. Paragraph No. 9 of the said affidavit-in-opposition filed by respondent Nos. 4 and 5, being relevant, is reproduced hereinbelow:

"9. That with regard to the statement made in paragraph (8) of the Writ Petition, the respondent begs to state that the petitioner had submitted bills along with challans to Assam Seeds Corporation Ltd. amounting Rs. 28,49,587.00 (Excluding Corporation margin) against Supply order no. ASC/MKT/DM/SO/2019-20/8672 Dated. 23/11/2020. Assam Seeds Corporation Ltd. submitted a fund demand of Rs. 31,29,52,217.00 (inclusive of the petitioner's bill amount) to the Director of Agriculture, Assam, for the supply of seeds against all indents received, including those pertaining to the petitioner. Subsequently, the Director of Agriculture released Rs. 21,48,29,300.00 to Assam Seeds Corporation Ltd., and payments were made to the respective suppliers accordingly. In this context, it is submitted that the fund release order issued by the Director of Agriculture clearly specified the indents against which payments were to be made. With reference to Indent No. Agri/Dev-Crop/FDR/DM/2020-21/54 dated 09.11.2020, as cited by the petitioner, the Corporation had submitted a bill amounting to Rs. 4,78,77,922.67 (including the

Corporation's margin) to the Director of Agriculture, Assam, vide Bill No. W004 dated 13.08.2021. However, against the total billed amount, only Rs. 2,23,19,958.00 has been released by the Director of Agriculture, Assam. Out of the amount received, the Corporation has released Rs. 13,27,908.00 to the petitioner out of total bill amount Rs. 28,49,587.00. The remaining amount is yet to be received from the Director of Agriculture, Assam, for which the Corporation has already taken up the matter with the concerned indenting authority. The balance payment to the petitioner will be released immediately upon receipt of the same from the Director of Agriculture, Assam. The admissible amount against the petitioner is Rs. 15,21,679.00 (excluding corporation margin).

6. Upon perusal of the materials on record and, more particularly, the paragraph quoted hereinabove, it is seen that the respondents have admitted that the petitioners are entitled to an amount of Rs. 15,21,679/-. It is also mentioned that the Assam Seeds Corporation Limited has already requested the indenting authority, i.e., the Director of Agriculture, Assam, to release the balance amount, and that upon receipt of the same, the Corporation would release the said amount to the petitioners.

7. Accordingly, the writ petition is disposed of with the following observations and directions:-

(i) The petitioners are entitled to the amount of Rs.15,21,679/- as admitted by the respondents.

(ii) The said amount of Rs. 15,21,679/- shall be paid to

the petitioners, after making such statutory deductions, if any.

(iii) The Director of Agriculture is directed to disburse the amount payable to the petitioners to the Assam Seeds Corporation Limited and the Assam Seeds Corporation Limited upon receipt of the said amount shall disburse the entitlement of the petitioners.

(iv) The entire exercise be carried out within 6 (six) months from the date certified copies are served upon the Director of Agriculture, Assam and the Managing Director of the Assam Seeds Corporation Limited, whichever is latter.

(v) Any amount so paid during the pendency of the present writ petition towards the dues of the petitioners shall be set off while making payment to the petitioners.

(vi) No costs.

JUDGE