

GAHC010287992025



2026:GAU-AS:4102

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

Case No. : WP(C)/228/2026

SRI DULAL MANDAL
S/O- SRI DIGEN MANDAL, RESIDENT OF VILLAGE- NIZ LAOKHUWA, P.O.-
HAAT LAOKHUWA, P.S.-RUPAHIHAAT DISTRICT- NAGAON, ASSAM, PIN-
782120

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, FISHERY
DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
CACHAL
VIP ROAD
GUWAHATI-36.

3:THE FINANCIAL OFFICER
ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
CACHAL
VIP ROAD
GUWAHATI-36

Advocate for the Petitioner : MR. N BORAH, MR. H SALOI, S K LAHAN

Advocate for the Respondent : SC, FISHERY, MR P SHARMA, SC, AFDC LTD.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 20.03.2026

Heard Mr. N. Borah, learned counsel for the petitioner and Mr. P. Sarmah, learned Standing Counsel, Fishery Department & Assam Fisheries Development Corporation Limited [AFDCL] for all the respondents.

2. By a Notice Inviting Tender [NIT] no. 6/2023 dated 04.07.2023, the respondent no. 2 invited bids for settlement of a number of fisheries including one named 'Haribhanga Meen Mahal, Nagaon' [the Fishery', for short]. The minimum annual revenue for the Fishery mentioned in the Tender Notice was Rs. 24,64,000/-. In response to the Tender Notice, the petitioner and the other bidders submitted their bids. Upon evaluation of the bids of the participant bidders, the bid of the petitioner was found compliant to the tender conditions. With an offered annual settlement amount of Rs. 72,05,200/-, the petitioner emerged as the highest valid bidder and by an Order of Settlement, the Fishery stood settled in favour of the petitioner for a period of seven years from the Financial Year : 2023-2024 upto 31.03.2030 at the settlement amount, mentioned therein.

3. After completion of the procedural formalities including deposit of security within the stipulated time, a lease agreement was entered into between the petitioner and the respondent AFDCL authorities on 24.08.2023. It was thereafter, the respondent AFDCL authorities had handed over possession of the Fishery on 24.08.2023.

4. It is the case of the petitioner that for the first year of settlement for the entire Financial Year : 2023-2024, the petitioner had deposited an amount of Rs. 72,05,200/-. As the possession of the Fishery was handed over to the petitioner only on 24.08.2023, the respondent AFDC Limited authorities are obligated to calculate the settlement amount proportionately out of the yearly settlement amount for the Financial Year : 2023-2024 from 24.08.2023 onwards and upto 31.03.2024. It is also the contention of the petitioner that as the petitioner has not operated the Fishery for the period between 01.04.2023 to 23.08.2023,

the excess amount for such period out of Rs. 72,05,200/- which had already been deposited by the petitioner, is required to be adjusted. The petitioner has stated that though he submitted a Representation before the respondent no. 2 on 09.12.2025, no decision has been taken on the Representation wherein a prayer for adjustment was made, till date. Aggrieved thereby, the petitioner is before this Court by the instant writ petition.

5. Mr. Sharma, learned Standing Counsel, AFDCL has submitted that if the Representation requesting for adjustment of the any amount has not yet been disposed of, this writ petition can be disposed of with a direction to the respondent no. 2 to take a final decision on the said Representation within a reasonable period of time. He has submitted that a period of one month will be sufficient to take a final decision in the matter.

6. As the issues regarding settlement of the Fishery, handing over possession of the Fishery to the petitioner on 24.08.2023 and deposit of Rs. 72,05,200/- as the revenue for the entire Financial Year : 2023-2024 from 01.04.2023 to 31.03.2024 are not in dispute, an obligation is cast upon the respondent no. 2 to take a decision on the Representation of the petitioner seeking adjustment of the amount in a proportionate manner taking into account that the revenue is ordinarily payable only for the period during which the settlement holder has been able to operate the Fishery after handin over of possession and the amount, if any, deposited by the settlement holder in excess, needs to be adjusted.

7. The writ petition is therefore, disposed of with a direction to the respondent no. 2 to take the Representation of the petitioner, stated to have been submitted on 09.12.2025 and also acknowledged to have received under seal and signature of his office on 09.12.2025, on board and thereafter, to dispose of the Representation by way of a speaking order within a period of one month from today.

8. As the respondent nos. 1, 2 & 3 is represented by Mr. Sharma, learned Standing Counsel, AFDCL, a copy of this order, as sought for, is to be supplied to Mr. Sharma to communicate the order to the respondent no. 2 from his end. The petitioner shall also submit a certified copy of this order at the office of the respondent no. 2 to facilitate disposal of the

Representation within the time period, mentioned hereinabove.

9. With the observations and the direction given above, the writ petition is disposed of. There shall, however, be no order as to cost.

JUDGE

Comparing Assistant