

GAHC010016332017



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

Case No. : WA/72/2017

M/S MOUSUMI ENTERPRISE
A.T. ROAD, HAIBARGAON, DIST. NAGAON, REPRESENTED BY ITS
PROPRIETOR, SRI PORASH MONI DAS

VERSUS

1: THE FOOD CORPORATION OF INDIA and 4 ORS REPRESENTED BY ITS
CHAIRMAN CUM MANAGING DIRECTOR, BARAKHMBA ROAD, NEW
DELHI-6

2: THE EXECUTIVE DIRECTOR NE FOOD CORPORATION OF INDIA
ZONAL OFFICE NE ULUBARI GUWAHATI-7

3: THE GENERAL MANAGER REGION FOOD CORPORATION OF INDIA
REGIONAL OFFICE ULUBARI GUWAHATI-7

4: THE AREA MANAGER FOOD CORPORATION OF INDIA
NAGAON DISTRICT OFFICE DIST. NAGAON ASSAM

5: THE STATE OF ASSAM REP. BY THE COMMISSIONER AND SECY. TO THE
GOVT. OF ASSAM TRANSPORT DEPTT. DISPUR GHY-

Linked Case : WA/365/2017

M/S RANA CONSTRUCTION AND ENGINEERS PVT LTD SURAJ COMPLEX
ULUBARI CHARIALI KAMRUP M GUWAHATI-781007 ASSAM REPRESENTED
BY ONE OF ITS DIRECTORS RANA ZAMAN S/O ALHAZ RAHMAN ALI R/O
HOUSE NO. 62 RAHMAN MANSION SOUTH SARANIA P.O. ULUBARI DIST.
KAMRUP M ASSAM GUWAHATI-781007

VERSUS

1: THE UNION OF INDIA and 9 ORS REPRESENTED BY THE MINISTRY OF
FOOD AND CIVIL SUPPLIES NEW DELHI

2:THE FOOD CORPORATION OF INDIA REPRESENTED BY THE CHAIRMAN
CUM MANAGING DIRECTOR BARAKHAMABA ROAD NEW DELHI-6

3:THE FOOD CORPORATION OF INDIA REPRESENTED BY THE ZONAL
MANAGER NE G.S. ROAD ULUBARI GUWAHATI.

4:THE GENERAL MANAGER REGION FOOD CORPORATION OF INDIA
REGIONAL OFFICE ULUBARI GUWAHATI-7

5:THE EXECUTIVE DIRECTOR FOOD CORPORATION OF INDIA
ZONAL OFFICER ULUBARI KAMRUP ASSAM.

6:THE AREA MANAGER FOOD CORPORATION OF INDIA
DIST. OFFICE KAMRUP

7:THE COMMISSIONER OF TRANSPORT GOVT. OF ASSAM
HOUSEFED COMPLEX DISPUR GUWAHATI-6

8:UNIVERSAL ROAD SERVICES N.H.37 OPP. ASSAM WEIGH BRIDGE
NEAR SHAKTI TYRES JAWAHAR NAGAR BELTOLA GUWAHATI-22

9:M/S JYOTI ROAD CARRIER
N.H. 37 11 NO. GALI BAJAJ MARKET GUWAHATI-28

10:SHIVAM ROAD CARRIERS B.G. POINT NEAR SHARMA WEIGH BRIDGE
BAMUNIMAIDAN GUWAHATI-24

Linked Case : WA/344/2014

M/S S.D ENTERPRISE, SONTANZA COMPLEX 5TH FLOOR 154 G.S. ROAD
GUWAHATI-5 ASSAM REPRESENTED BY ITS PROPRIETOR SRI SAILEN
KONWAR DUTTA S/O LATE SURENDRA NATH DUTTA R/O 81 MOTHER
TERESA ROAD UNDER GEETANAGAR POLICE STATION NARENGI
GUWAHATI-21

VERSUS

1: THE UNION OF INDIA and 6 ORS REPRESENTED BY THE MINISTRY OF
FOOD AND CIVIL SUPPLIES NEW DELHI.

2:THE FOOD CORPORATION OF INDIA REP. BY THE CHAIRMAN CUM
MANAGING DIRECTOR BARAKHAMABA ROAD NEW DELHI-6.

3:THE FOOD CORPORATION OF INDIA REP. BY THE ZONAL MANAGER NE
G.S. ROAD ULUBARI GUWAHATI.

4:THE GENERAL MANAGER REGION FOOD CORPORATION OF INDIA
REGIOAL OFFICE ULUBARI GUWAHATI-7.

5:THE EXECUTIVE DIRECTOR FOOD CORPORATION OF INDIA
ZONAL OFFICE ULUBARI KAMRUP ASSAM.

6:THE AREA MANAGER FOOD CORPORATION OF INDIA
DISTRICT OFFICE KAMRUP.

7:THE COMMISSIONER OF TRANSPORT
GOVT.OF ASSAM HOUSEFED COMPLEX DISPUR GUWAHATI-6.

8:UNIVERSAL ROAD SERVICES
N.H. 37 OPP. ASSAM WEIGH BRIDGE NEAR SHAKTI TYRES
JAWAHAR NAGAR BELTOLA GUWAHATI-22.

9:M/S JYOTI ROAD
CARRIER N.H. 37

11 NO. GALI BAJAJ MARKET
GUWAHATI-28.

10:SHIVAM ROAD
CARRIERS G.B. POINT NEAR SHARMA WEIGH BRIDGE
BANUMAIDAN GUWAHATI-24.

Linked Case : WA/345/2017

1: M/S RANA CONSTRUCTION AND ENGINEERING PVT LTD SURAJ
COMPLEX ULUBARI CHARIALI KAMRUP M GUWAHATI 781007 ASSAM
REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN S/O ALHAZ
RAHMAN ALI R/O HOUSE NO. 62 RAHMAN MANSION SOUTH SARANIA
P.O. ULUBARI DIST. KAMRUP M ASSAM GUWAHATI-781007

2: M/S. SAIKIA TRADE AND TRANSPORT CO. SREE NAGAR
CHRISTIANBASTI GHY-5 AND REP. BY ITS PROP. PRANJIT SAIKIA

3: M/S. S.D. ENTERPRISE SONTANZA COMPLEX 5TH FLOOR 154 G.S. ROAD
GHY-5 REP. BY ITS DULY APPOINTED REP. - KHOGEN BARUAH S/O LT. HEM
CH. BORAH R/O HENGARABARI GHY-36

VERSUS

1: THE UNION OF INDIA and 6 ORS REPRESENTED BY THE MINISTRY OF
FOOD AND CIVIL SUPPLIES NEW DELHI

2:THE FOOD CORPORATION OF INDIA REP. BY THE CHAIRMAN CUM
MANAGING DIRECTOR - BARAKHAMBA ROAD NEW DELHI-6

3:THE FOOD CORPORATION OF INDIA REP. BY THE ZONAL MANAGER NE

G.S. ROAD ULUBARI GHY

4:THE GENERAL MANAGER REGION FOOD CORPORATION OF INDIA
REGIONAL OFFICE ULUBARI GHY-7

5:THE EXECUTIVE DIRECTOR FOOD CORPORATION OF INDIA
ZONAL OFFICE ULUBARI KAMRUP ASSAM

6:THE AREA MANAGER FOOD CORPORATION OF INDIA
DIST. OFFICE KAMRUP

7:THE COMMISSIONER OF TRANSPORT
GOVT. OF ASSAM HOUSEFED COMPLEX DISPUR GHY-6

- For the Appellant(s)** : Mr. S.K. Sinha, Advocate in Writ Appeal No.72/2017.
: Mr. K.N. Choudhury, Senior Advocate, assisted by Mr. A. Das, Advocate in Writ Appeal No.344/2014; Writ Appeal No.345/2017 and Writ Appeal No.365/2017.
- For the Respondent(s)** : Mr. P.K. Roy, Senior Advocate, Standing Counsel, FCI, assisted by S.K. Chakraborty, Advocate.
: Mr. R.B. Goswami, Advocate on behalf of Ms. M.D. Borah, Standing Counsel, Transport Department.

- **B E F O R E** -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

30.05.2024
(Vijay Bishnoi, CJ)

Mr. S.K. Sinha, learned counsel for the appellant in Writ Appeal No.72/2017 and Mr. K.N. Choudhury, learned senior counsel for the appellants in Writ Appeal No.344/2014; Writ Appeal No.345/2017 and Writ Appeal No.365/2017 have submitted that pursuant to the liberty granted by this Court vide order dated 25.08.2023, the appellants have moved their representations before the Chairman-cum-Managing Director, FCI, who, in turn, has decided both the representations afresh vide order dated 20.12.2023 and 21.12.2023, respectively.

The learned counsels for the appellants, on instructions, have submitted that the appellants want to challenge the aforesaid orders passed by the Chairman-cum-Managing Director, FCI on their representations in accordance with the liberty granted by this Court on 25.08.2023 before the learned Single Judge. The learned counsels for the appellants, therefore, submit that the appellants may be allowed to withdraw these writ appeals with liberty to file fresh writ petitions.

In view of the above, the writ appeals are dismissed on withdrawal, with liberty as prayed for. Needless to say that if any such writ petitions are filed on behalf of the appellants, the learned Single Judge shall consider those writ petitions on their own merits.

JUDGE

CHIEF JUSTICE

Comparing Assistant