

GAHC010016552023



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

Case No. : WP(C)/457/2023

M/S TZUDI FOREST PRODUCTS
A PROPRIETORSHIP FIRM, HAVING ITS REGD. OFFICE AT TULI
INDUSTRIAL ESTATE, 21 MILE, TULI, P.O. AND P.S. TULI, DIST.-
MOKOKCHUNG, NAGALAND, REP. BY ITS AUTHORIZED SIGNATORY SRI
MOLUNG IMSONG

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
ENVIRONMENT AND FOREST, DISPUR, GHY-06, ASSAM

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST
DISPUR
GHY-06
ASSAM

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (LEGAL) AND HEAD
OF FOREST FORCE
ASSAM
PUNJABARI
GHY-36
ASSAM

4:THE DIVISIONAL FOREST OFFICER
SIVASAGAR DIVISION (T)
SIVASAGAR
ASSAM

5:THE FOREST RANGE OFFICER
SIVASAGAR FOREST RANGE

SIVASAGAR DIVISION
ASSAM

6:THE FOREST BEAT OFFICER
HAULUATING BEAT
SIVASAGAR DIVISION
DIST.- SIVASAGAR
ASSA

Advocate for the Petitioner : MR A TEWARI

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

06.02.2023

Heard Shri A Tewari, learned counsel for the petitioner. Also heard Shri KP Pathak, learned Standing Counsel, Forest Department, Assam.

2. Considering the subject matter in dispute and the instructions obtained by the learned Standing Counsel, Forest Department, this writ petition is taken up for disposal at the motion stage itself.

3. The grievance of the petitioner is against the action of the respondents in seeking road permit for transporting goods/forest products after obtaining e-way bills. It is the case of the petitioner that previously, there were check gates but, however after coming into effect the Goods and Services Act (GST), the Govt. of Assam has abolished the check gates and has introduced the concept of e-way bill for sending the goods and at the time of preparation of such bills, all taxes are paid to the Government. The petitioner contends that in spite of having e-way bills, the respondents were demanding road permit which, according to the petitioner, is wholly illegal and unsustainable in law.

4. This Court had granted opportunity to the learned Standing Counsel to obtain instructions. Shri Pathak, learned Standing Counsel, Forest Department has submitted that the issue regarding requirement of road permit even after obtaining the e-way bill is yet to be decided by the Government. He submits that presently, there is no insistence on road permit, if e-way bill is available. Shri Pathak, however adds a rider that possession of the e-way bill is not the only requirement as, many other conditions are required to be fulfilled for different kinds of transportations. For insistence, he cites that if the goods are to be transported outside the State, it is to be done only by Railways and secondly, he even cites the condition of passing the blue water mark for timber.

5. After hearing the parties and on consideration of the contentions advanced, this Court is of the opinion that the petitioner is made out a case for interference and it is directed that if the petitioner is in possession of valid e-way bills, road permit should not be insisted upon it, however the petitioner is required to fulfill the other formalities in case, if the situation arises. The present direction is, however subject to the condition that the same would remain valid till a final decision is arrived at by the Government on the requirement of road permit, apart from e-way bill.

6. With the above directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant