
(2020) 09 GAU CK 0003
In the Gauhati High Court
Case No : Writ Petition (C) No. 3342 Of 2020

Chatotong Forest Products Private Ltd

APPELLANT

Vs

State Of Assam And Ors

RESPONDENT

Date of Decision : 03-09-2020

Acts Referred:

Citation : (2020) 09 GAU CK 0003

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : G Khandelia

Final Decision : Disposed Off

Judgement

1. Heard Mr. A. Tiwari, learned counsel for the petitioner. Also heard Mr. K.P. Pathak, learned counsel for the respondent.

2. The petitioner who is engaged amongst others in the business of transporting forest products from the State of Arunachal Pradesh for carrying the products outside North Eastern Region, where they have to pass through areas under State of Assam, is aggrieved by a communication dated 07.10.2019 of the Divisional Forest Officer, Sivasagar Division (T) Sivasagar.

3. By the said communication, the Divisional Forest Officer required certain terms and conditions to be followed by such transporters of forest products, which include the production of various documents before the Forest Authorities of the Govt. of Assam. As per the communication dated 07.10.2019, the petitioners are required to produce, amongst others, the road permission for the purpose.

The relevant portion of the communication dated 07.10.2019 is extracted as below:-

"With reference to the letter quoted under reference above, a mill finished products of 500 m3 of Veneer and 1000 nos. of Roller and the road permission for transportation of 500 m3 of Veneer and 1000 nos. of Roller allowed for

transportation to the buyer M/S Tipi Timber Industries LLP, Rangiuva (WBI), Arunachal Pradesh to outside the North Eastern Region via Bimolapur under Borhat Range giving validity upto 31/12/2020. The permit holder has to follow the following terms and condition.

1) The details of royalty paid to the Govt. of Arunachal Pradesh, through DFO, Kanubari Division should be furnished to Range Officer, Borhat Range under Sivasagar Division for his verification

2) The permission for transportation is valid up to the specific location via Bimolapur Road to outside the North Eastern Region via Bimolapur under Borhat Range as per documents from Arunachal Pradesh.

3) Each Truck carrying such swan timber must be accompanied with valid transit documents and levy/Tax/Royalty etc paid documents.

The rate of levy will be as per Govt. Notification No.FRE-118/2014/201,dt. 06/03/2017.

4) Strictly ensure that no timber materials etc. shall be collected from the area inside the Boundary of Assam State.

5) Any violation of the above instruction shall be liable for cancellation of this permission and action will be taken as per law in force.

6) The road permission valid for timber 500 m3 and 1000 nos. of Roller.

7) Transportation should not be done before sunrise and after sunset (has to be followed strictly, otherwise, action will be taken as per law)."

4. The petitioner is aggrieved to the extent that the Forest Authorities of the Govt. of Arunachal Pradesh instead of providing with a road permission, the petitioner is provided with a timber transit pass wherein also, the particulars of the timber being transported are clearly entered. Because of the procedure followed by the Govt. of Arunachal Pradesh in the Forest Department and the requirement of the Govt. of Assam in the Forest Department are at a variance, as regards the timber transit pass vis-à-vis the road permission, the petitioners are having some difficulty in the transportation of their timber products as because the timber transit pass issued by the Govt. of Arunachal Pradesh is stated to be unacceptable to the Govt. of Assam in the Forest Department.

5. The aforesaid aspect has been decided by this Court in its judgment dated 03.06.2020 in WP(C) 849/2020, wherein, in paragraphs 6 and 7 it has clearly been held that the transit timber pass issued by the Forest Authorities of one State, instead of road permission as required by the authorities of the other State, would in fact have the same meaning and therefore, the timber transit pass can also be accepted in lieu of the road permission.

6. Accordingly, the authorities in the Forest Department of the Govt. of Assam is directed to accept the timber transit pass to be produced by the petitioner in lieu

of the road permission as required in Clause-6 of the communication dated 07.10.2019 provided that there is no infirmity or any reason to doubt the timber transit pass that may be produced.

7. Writ petition stands allowed in the above terms.

8. Accordingly, the provision of paragraph-7 of the judgment dated 03.06.2020 in WP(C) 849/2020 shall also be applicable to the present writ petition.

9. Writ petition stands disposed of.