

GAHC010006392011



2026:GAU-AS:5709

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

Case No. : Arb.A./3/2011

KAUSHIK TEA COMPANY
G.N.B. ROAD, TINSUKIA, SECTOR-2, LANE-V, BORDOLOI NAGAR, P.O. AND
DIST. TINSUKIA, ASSAM, REPRESENTED BY ITS PROPRIETOR, SRI JITEN
BARUA, S/O LATE B.N.BARUA, R/O BORDOLOI NAGAR, TINSUKIA, P.S.
AND DIST. TINSUKIA, ASSAM.

VERSUS

BHAWATI AND BHAGWAN TEA INDUSTRIES AND ANR
MAKUM ROAD, TINSUKIA TOWN, P.O. and DIST. TINSUKIA, ASSAM,
REPRESENTED BY-SMT. MANBHAWTI DEVI AARWAL, MAKUM ROAD,
TINSUKIA, ASSAM.

2:R.N. LODH

ADVOCATE
ARBITRATOR
TINSUKIA BAR ASSOCIATION
TINSUKIA
ASSAM

Advocate for the Petitioner : MR.S BANIK,

Advocate for the Respondent : MR.G N SAHEWALLA, MR.MD ASLAM,MR.D SENAPATI,MSK
KALITA,MR.P DEKA,MD. J U AHMED,MS P AGARWAL,DR ANKIT TODI,MR A NATH,DR B P
TODI

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

23.04.2026

Heard Mr. S. Banik, learned counsel for the appellant/ Kaushik Tea Company.

Learned counsel, Dr. A. Todi is present for the respondent no.1.

The learned counsel representing both sides have drawn attention of this Court to the order dated 07.03.2026 passed by this Court, wherein, it has been clearly reflected that the learned counsel, Dr. A. Todi representing the respondent no.1 has submitted that as per instructions received from the grandson, Manbhawati Devi Agarwal, representing the respondent no.1, has informed that Manbhawati Devi Agarwal has passed away.

It was also reflected in the said order that from the record of the learned Arbitrator, respondent no.2, it appears that the respondent no.1 is a partnership firm with seven partners as on the date of the registration i.e. 03.02.1996, with the Registrar of Firms and Societies, Assam.

The learned counsel, Mr. S. Banik has submitted that as the period of limitation was to commence on and from 07.03.2026, he then wrote a letter and through speed post, informed the appellant about the death of Manbhawati Devi Agarwal, who had died in the year 2020. This letter, according to the postal receipt was dispatched on 07.03.2026 and was received on 10.03.2026.

The learned counsel has submitted the letter along with the postal receipt in original and the track consignment report, has been marked as "X" and will form a part of the record. A suggestion for filing a substitution petition was also made through the said letter.

It is submitted by the learned counsel that no instructions or information till date has been received from the appellant's side.

The learned counsel for the respondent no.1, Dr. A. Todi has also submitted that he has also not received any information from the respondent's side.

On this aspect, it is submitted at the Bar that this matter may be closed at this stage, leaving an option to be reopened.

Considering the submissions at the Bar, and as Manbhawati Devi Agarwal has passed away and as no instructions have been received by both the parties relating to her demise, this matter is closed on this aspect alone at this stage according a liberty to the parties to file an appropriate petition later, if any.

Send back the original records to the concerned Court.

With the above observations, the appeal stands disposed of.

JUDGE

Comparing Assistant