

GAHC010016512015



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

**Case No. : CrI.Rev.P./224/2015**

M/S DUTTA ELECTRICALS and ANR.  
C/O PRINCE COMMERCIAL COMPLEX, ASHRAM ROAD, ULUBARI,  
GUWAHATI-7, DIST. KAMRUP M, ASSAM.

2: SRI BIPLAB DUTTA  
S/O LT. BINOY BHUSAN DUTTA R/O BORTHAKUR MILL ROAD  
ULUBARI  
GUWAHATI-7  
DIST. KAMRUP M  
ASSAM

VERSUS

M/S ASSAM SUPPLY SYNDICATE  
HAVING ITS OFFICE AT CHATTRIBARI KRISHNA NAGAR, GHY-1, DIST.  
KAMRUP M, ASSAM, REPRESENTED BY ITS PROPRIETOR SRI RAMAVATAR  
JALAN.

**Advocate for the Petitioner : MS.S BARUA**

**Advocate for the Respondent :**

Linked Case : CrI.M.C./294/2015

M/S DUTTA ELECTRICALS and ANR  
C/O PRINCE COMMERCIAL COMPLEX  
ASHRAM ROAD  
ULUBARI

GHY-7  
DIST. KAMRUP M  
ASSAM.

2: SRI BIPLAB DUTTA  
S/O LT. BINOY BHUSAN DUTTA R/O BORTHAKUR MILL ROAD  
ULUBARI  
GUWAHATY-7  
DIST. KAMRUP M  
ASSAM.  
VERSUS

M/S ASSAM SUPPLY SYNDICATE  
HAVING ITS OFFICE AT CHATTRIBARI KRISHNA NAGAR  
GHY-1  
DIST. KAMRUP M  
ASSAM  
REPRESENTED BY ITS PROPRIETOR SRI RAMAVATAR JALAN.

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Advocate for : MR.R KALITA  
Advocate for : appearing for M/S ASSAM SUPPLY SYNDICATE

Linked Case : I.A.(CrI.)/337/2018

M/S DUTTA ELECTRICALS AND ANR  
C/O- PRINCE COMMERCIAL COMPLEX  
ASHRAM ROAD  
ULUBARI  
GHY-7  
DIST- KAMRUP (M)  
ASSAM

2: BIPLAB DUTTA  
S/O- LT BINOY BHUSAN DUTTA  
R/O- BORTHAKUR MILL ROAD  
ULUBARI  
GHY-7  
DIST- KAMRUP (M)  
ASSAM  
VERSUS

M/S ASSAM SUPPLY SYNDICATE  
HAVING ITS OFFICE AT CHATTRIBARI KRISHNA NAGAR  
GHY-1

DIST- KAMRUP (M)  
ASSAM

REP. BY ITS PROPRIETOR SRI RAMAVATAR JALAN

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Advocate for : MRS J M KONWAR  
Advocate for : MR. K BHATTACHARJEE appearing for M/S ASSAM SUPPLY  
SYNDICATE

Linked Case : I.A.(Crl.)/539/2016

M/S DUTTA ELECTRICALS and ANR.

VERSUS

M/S ASSAM SUPPLY SYNDICATE

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Advocate for : MRS.J M KONWAR  
Advocate for : appearing for M/S ASSAM SUPPLY SYNDICATE

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 20.07.2023**

Heard Ms. V. V. Thanyu, learned counsel appearing on behalf of Mr. B. D. Konwar, learned counsel for the petitioner. Also heard Mr. K. K. Mahanta, learned Senior Counsel assisted by Mr. K. Bhattacharjee, learned counsel for the respondent.

It is submitted by the learned counsel appearing on behalf of the petitioner, Ms. Thanyu, that they have already filed an additional affidavit praying for some more time to make the remaining payment and it is stated that due to non-receipt of some bills from the government, they are not in a position to pay the entire balance amount which are to be paid. It is further submitted that out of Rs. 62 Lakhs, they have already paid Rs. 48 Lakhs in installments and is also ready to pay the remaining amount along with interest.

In this context, the learned Senior Counsel, Mr. K. K. Mahanta, has submitted that after calculating the interest @ 15.5%, the total amount of due comes to Rs. 28 Lakhs. But, in spite of giving chance on several occasion, the petitioner failed to make further payment in this regard. Further it is submitted that as they have already admitted and part payment has been made by the petitioner side, there nothing remains in the criminal revision petition and the matter can be disposed of by vacating the stay order, which has already been granted, so that the execution proceeding can be initiated. Further it is submitted by the learned Senior Counsel that considering the conduct of the petitioner, further time for payment is not at all justified and the matter can be disposed of on merit itself.

However, considering the submission made by the learned counsel for the petitioner and also considering the fact that the petitioner has already made part payment of the amount, I find it prudent to grant 1 (one) month time to the petitioner to make payment of Rs. 15 Lakhs to the respondent. However, in default of payment, the stay order will be vacated accordingly and the matter will be immediately disposed of on merit on the next date fixed.

List the matters on 01.09.2023.

**JUDGE**

**Comparing Assistant**