

GAHC010016512015



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

Case No. : Crl.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 : Crl.M.C./294/2015

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

GHY-7
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GHY-1
DIST. KAMRUP M
ASSAM
REPRESENTED BY ITS PROPRIETOR SRI RAMAVATAR JALAN.

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

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

01.09.2023

Heard Ms. V. V. Thanyu, learned counsel appearing on behalf of Mr. R. Kalita, learned counsel for the petitioner. Also heard Mr. K. K. Bhattacharjee, learned counsel for the respondent.

2. As per the order dated 20.07.2023, the petitioner was supposed to deposit an amount of Rs.15 Lakhs to the respondent, but, today the petitioner has come with a Cheque amounting to Rs.5 Lakhs only to give to the respondent side.

3. In this regard, Ms. V. V. Thanyu, learned counsel for the petitioner has submitted that the petitioner has applied for loan, which is still under process and for this reason the entire amount of Rs.15 Lakhs could not be deposited today.

4. In this context, the learned counsel for the respondent, Mr. K. K. Bhattacharjee has submitted that in this connection the petitioner has already filed numbers of miscellaneous application seeking time to deposit the principle amount of Rs.62 Lakhs. However, out of 62 Lakhs the petitioner had already deposited 48 Lakhs in installments basis, and today, the learned counsel for the petitioner came with a Cheque of Rs.5 Lakhs only.

5. He further submitted that he is also ready to talk with the petitioner to negotiate the interest amount, if, the principle amount is paid by the petitioner, but, in default of payment, of the remaining principle amount, the stay order may be vacated and accused petitioner may be put behind the bar on the basis of the order passed by the learned Trial Court.

6. Ms. V. V. Thanyu, learned counsel for the petitioner has submitted that she will deposit the balance amount within the next date fixed and she also submitted that by that time the process of loan will be completed, and thus, the petitioner may be in a position to pay the remaining amount. She further deposited a Cheque amounting to Rs.5 Lakhs bearing Cheque No.049945 dated 01.09.2023 of Union Bank of India and handed over the same to the counsel for the respondent side.

7. Considering the submissions made by the learned Advocates of both sides, it is seen that out of total principle amount of Rs. 62 Lakhs a sum of Rs.53

Lakhs has already been paid by the petitioner to the respondent in installments basis and she also undertake to deposit the remaining amount of Rs. 9 Lakhs on the next date fixed. Further, the interest will be negotiated between the parties. However, in default of payment, the stay order may be vacated accordingly and the matter will be disposed of on merit on the next date fixed.

8. List the matter again on **10.10.2023**.

JUDGE

Comparing Assistant