

GAHC010016512015



undefined

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

ON THE DEATH OF RAMAVATAR JALAN HIS LEGAL HEIRS
KAMRUP (M)

1.1:SHRI CHIRAG JALAN
S/O LATE RAMAVATAR JALAN
R/O CHATTRIBARI KRISHNA NAGAR
GUWAHATI-781001
DIST.-KAMRUP (M)
ASSAM

Advocate for the Petitioner : MS.S BARUA, MR.R SALOI,MR.R KALITA,MRS.J M
KONWAR,MR.B D KONWAR

Advocate for the Respondent : , MS.M BHATTACHARJEE,MR.K M MAHANTA,MR.K
BHATTACHARJEE,MR.K K MAHANTA

Linked Case : Crl.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.

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

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

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

M/S DUTTA ELECTRICALS and ANR.

VERSUS

M/S ASSAM SUPPLY SYNDICATE

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

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

09.01.2025

Heard Mr. B. D. Konwar, learned Senior Counsel assisted by Ms. B. Soren, learned counsel for the petitioners. Also heard Mr. K. Bhattacharjee, learned counsel for the respondent.

Today, the matter was listed for hearing and for the payment. However, Mr. Konwar, the learned Senior Counsel, has submitted that petitioner No. 2 is undergoing treatment in the hospital and, therefore, is unable to appear today or deposit the money. He further submitted that out of the total amount of Rs. 62 lakhs (the principal amount), Rs. 52 lakhs has already been paid by the petitioners. He further submits that with the help of his brother, the petitioner No.2 will arrange the remaining Rs. 10 lakhs and will pay it by 30.01.2025. Accordingly, he prays for accommodation due to his health condition.

On the other hand, Mr. Bhattacharjee, the learned counsel for the respondent, has submitted that the issue is not only about the remaining Rs. 10 lakhs, but also the interest that has accrued on the principal amount, which is still due. However, he has submitted that, on humanitarian grounds, the prayer of the petitioners may be considered today, with a direction to pay the remaining amount on or before 30.01.2025.

Further, both parties have agreed that negotiations regarding the interest may take place once the principal amount has been received.

Considering the submissions made by the learned counsels for both sides, as well as the health condition of petitioner No. 2, the prayer for adjournment

has been accepted, with no objection raised by the respondent side. Accordingly, the petitioners are hereby directed to pay the remaining principal amount of Rs. 10 lakhs to the respondent on or before 30.01.2025. In the event of default, the hearing will proceed.

List the matters on **30.01.2025**.

JUDGE

Comparing Assistant