

GAHC010046362024



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

Case No. : I.A.(Civil)/1014/2024

M/S INDIAN OIL CORPORATION LTD.
(ASSAM OIL DIVISION), DIGBOI REFINERY, P.O.- DIGBOI, DIST.- TINSUKIA,
ASSAM, REP. BY ITS MANAGING DIRECTOR.

VERSUS

HABIB ALI AND ANR.
S/O LATE HAFIZ ALI,
VILL.- GARIGAON, P.O.- GAUHATI UNIVERSITY, MOUZA- JALUKBARI, P.S.-
JALUKBARI, DIST.- KAMRUP (M), ASSAM- 781014.

2:THE COLLECTOR
KAMRUP (M)
HENDERABARI
P.S.- DISPUR
GUWAHATI- 781006

Advocate for the Petitioner : MR. N DEKA, MR. M GOGOI

Advocate for the Respondent : GA, ASSAM, MR N KALITA (R-1), Mr Gias (R-1)

Linked Case :

M/S INDIAN OIL CORPORATION LTD

VERSUS

HABIB ALI AND ANR A

Advocate for : MR. N DEKA
Advocate for : appearing for HABIB ALI AND ANR A

Linked Case :

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Advocate for : appearing for HABIB ALI AND ANR A

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 19.01.2026

1. Heard Mr. M. Gogoi, the learned counsel for the applicant. Also heard Mr. N. Kalita, the learned counsel for the respondent No.1 as well as Mr. T. R. Gogoi, the learned Government counsel appearing for the respondent No.2

2. This application under Section 5 of the Limitation Act, 1963 has been filed by the applicants, M/s Indian Oil Corporation Ltd., (Assam Oil Division), Digboi Refinery, praying for condonation of delay of 4,792 days in preferring the connected land acquisition appeal, wherein the judgment dated 30.10.2008, passed by the Court of the learned Additional District Judge (FTC) No. 3 Kamrup at Guwahati in Misc. (Reference) Case No. 10/2002, has been impugned.

3. The learned counsel for the applicant has submitted that in the aforesaid Misc. (Reference) Case, the present applicant was not made as party. He submits that the present applicant/appellant came to know about the impugned judgment only on 04.04.2022, when the applicant received a letter dated 01.04.2022 from the Deputy Commissioner, Kamrup, Metro, informing the pendency of Money Execution Case No. 7/2020.

4. The learned counsel for the applicant has further submitted that thereafter, the applicant had applied for certified copy of the impugned judgment. However, the certified copy was not furnished to them and

applicants in this regard also filed a complaint to the Court of the learned Additional District Judge, No. 2, Kamrup, Metro. When was he filed before the learned District Judge, Kamrup, Metro.

5. The learned counsel for the applicant has submitted that the applicant again on 09.12.2022, applied afresh for the certified copy of the impugned judgment.

6. On the other hand, the learned counsel for respondent No. 1 has countered the submissions made by learned counsel for the applicant by referring to a letter dated 07.10.2010, which is annexed as Annexure-A by the Respondent No. 1 in his affidavit-in-opposition, wherein the information regarding 10.10.2012 by the Court of learned Additional District Judge, FTC No. 3 was forwarded by the Additional Duty Commissioner, Kamrup, Metro to the Government pleader. He submits that copy of the aforesaid letter was also forwarded to the Area Manager, IOC, Assam Oil Division.

7. He further submits that the extract copy of the Peon book, which is annexed as Annexure-B by the said respondent, also shows that Area Manager, IOC, Assam Oil Division, Marketing Division have received the said letter on 08.10.2010. Therefore, he submits that the contentions raised by the learned counsel for the applicant that till 04.04.2022, the applicant was not aware about the impugned judgment is not measurable. He further submits that in the meanwhile, the impugned judgment of the Reference Court had already been executed and the Respondent No.1 and other beneficiaries have received the enhanced amount of the compensation.

8. The learned Government Advocate, Mr. T. R. Gogoi also confirms

to the submissions made by learned counsel for Respondent No. 1. He further submits that to remove any doubt regarding receipt of letter dated 07.10.2010 by the Area Manager, IOC, he can produce the original Peon book extract of which has been annexed as Annexure-B by the Respondent No.1.

9. Considering the submissions made by learned Government Advocate, the prayer is allowed.

10. He is requested to produce the original Peon book from which the Annexure-B has been annexed by the Respondent No. 1.

11. Though, the learned counsel for the applicant has questioned the fact as to how respondent No. 1, who is a private individual, got access to abstract of peon book which is a government record and the same is not clear from the affidavit-in-opposition filed by the respondent No. 1, however, the prayer of learned Government Advocate is allowed. He is requested to produce the original peon book before this Court on the next date fixed.

12. Let this matter be listed again on 10.03.2026.

JUDGE

Comparing Assistant