

GAHC010090382021



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

Case No. : WP(C)/3045/2021

GILLAPUKRI TEA COMPANY LIMITED
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE
COMPANIES ACT, 1956, HAVING ITS REGD. OFFICE AT 9, BRABOURNE
ROAD, KOLKATA-700001, REP. BY ITS MANAGING DIRECTOR SRI SUMIT
KANOI, S/O. LT. DEOKI NANDAN KANOI, R/O. GILLAPUKRI TEA ESTATE,
P.O., P.S. AND DIST. TINSUKIA, ASSAM, PIN-786125.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, LABOUR AND
EMPLOYMENT DEPTT., DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECY.

LEGISLATIVE DEPTT.
GOVT. OF ASSAM
DISPUR
GUWAHATI-781006.

3:THE SECRETARY

LABOUR WELFARE DEPTT.
LABOUR (RC) BRANCH
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

4:THE ADDL. CHIEF SECRETARY

LABOUR WELFARE DEPTT.

LABOUR (RC) BRANCH
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

5:THE LABOUR COMMISSIONER

ASSAM
GOPINATH NAGAR
GUWAHATI
DIST. KAMRUP (M)
ASSAM
PIN-781016.

6:THE GRATUITY COMMISSIONER

ASSAM TEA EMPOLYEES PROVIDENT FUND ORGANIZATION
NIDHI BHAWAN
LALMATI
NH-37
GUWAHATI-781029.

7:THE CONTROLLING AUTHORITY

ASSAM TEA EMPOLYEES PROVIDENT FUND ORGANIZATION
NIDHI BHAWAN
LALMATI
NH-37
GUWAHATI-781029.

8:THE ASSTT. PF COMMISSIONER

TINSUKIA ZONAL OFFICE
DIST. TINSUKIA
ASSAM.

9:THE UNION OF INDIA

REP. BY ITS CHIEF LABOUR COMMISSIONER (CENTRAL)
4TH FLOOR
JEEVAN DEEP BUILDING
PARLIAMENT STREET
NEW DELHI-110001

Advocate for the Petitioner : MR. B. DUTTA

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/2066/2019

KRISHNABEHARI TEA COMPANY LTD. AND 3 ORS.
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE
COMPANIES ACT

1956

HAVING ITS REGISTERED OFFICE AT 5
PANNALALL BANERJEE LANE
8TH FLOOR
KOLKATA-700001 REP. BY ITS DIRECTOR
NAMELY SRI PREM RATAN LAHOTY
S/O OF LT. BIHARI LALL LAHOTY
14/2A
BURDWAN ROAD
ALIPORE
KOLKATA-700027
WEST BENGAL.

2: BIHUBARI TEA COMPANY PVT. LTD
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE
COMPANIES ACT

1956

HAVING ITS REGISTERED OFFICE AT P.O. NAZIRA
DIST. SIVASAGAR
ASSAM
PIN.-785685
REP. BY ITS DIRECTOR
NAMELY
SRI SANTOSH KUMAR AGARWAL
S/O LT. PARSHURAM AGARWALLA
R/O 76-A
JATINDRA MOHAN AVENUE
KOLKATA-700005
WEST BENGAL.

3: GANGABARI TEA COMPANY PVT. LTD.
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE
COMPANIES ACT

1956

HAVING ITS REGISTERED OFFICE AT BISHMILE
P.O. CHABUA
DIST. DIBRUGARH-786184
ASSAM

REP. BY ITS DIRECTOR
NAMELY
SRI VIKASH AGARWAL
S/O SHRI RADHEMOHAN AGARWAL
R/O MAKUM ROAD
P.O. TINSUKIA
DIST. TINSUKIA
PIN-786125
ASSAM

4: RIVER VALLEY TEA COMPANY PVT. LTD.
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE
COMPANIES ACT

1956
HAVING ITS REGISTERED OFFICE AT THANA ROAD
P.O AND DIST. TINSUKIA
ASSAM
PIN-786125

REP. BY ITS DIRECTOR
NAMELY SRI MAHENDRA KUMAR AGARWALLA
S/O LT. PARSHURAM AGARWALLA
R/O BISHMILE
P.O. CHABUA
DIST. DIBRUGARH-786184
ASSAM
VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
LABOUR AND EMPLOYMENT DEPTT. DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
LEGISLATIVE DEPTT. GOVT OF ASSAM
DISPUR

GUWAHATI-781006

3:THE SECRETARY
LABOUR WELFARE DEPTT. LABOUR (RC) BRANCH
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR

GUWAHATI-781006

4:THE ADDITIONAL CHIEF SECRETARY
LABOUR WELFARE DEPTT. LABOUR (RC) BRANCH
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR
GUWAHATI-781006

5:THE LABOUR COMMISSIONER

ASSAM

GOPINATH NAGAR

GUWAHATI

DIST.-KAMRUP (M)

ASSAM

PIN-781016

6:THE SECRETARY CUM PF COMMISSIONER

ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANIZATION

NIDHI BHAWAN

LALMATI

NH-37

GUWAHATI-781029

7:THE UNION OF INDIA

REP. BY ITS CHIEF LABOUR COMMISSIONER (CENTRAL)

4TH FLOOR

JEEVAN DEEP BUILDING

PARLIAMENT

STREET

NEW DELHI-110001

Advocate for : MR N DUTTA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 6 ORS.

BEFORE

HON'BLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH

HON'BLE MR. JUSTICE SOUMITRA SAIKIA

:: O R D E R ::

03.06.2022

[N. Kotiswar Singh, CJ(Acting)]

Heard Mr. M.K. Choudhury, learned senior counsel assisted by Mr. M. Sarma, learned counsel for the petitioners. Also heard Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam for respondent Nos.1 to 5; Mr. N.C. Das, learned senior counsel for respondent Nos.6, 7 & 8 and Mr. H. Gupta, learned Central Government Counsel appearing for respondent No.9.

It has been submitted at the Bar that the pleadings are complete and these matters can be heard finally.

Mr. Choudhury, learned senior counsel for the petitioners submits that records relating to the correspondences made by the State Government at the time of obtaining assent from the President of India are required to be produced at the time of hearing.

Let the respondent authorities produce all the relevant records at the time of hearing of these matters.

List these matters for hearing on 21.07.2022.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant