

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, MS. J BORO,MR. S DEKA

Advocate for the Respondent : GA, ASSAM, MR. K GOGOI (R-9),SC, A.T.P.P.F AND P.F

SCHEME,ASSTT.S.G.I.

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
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 13/08/2024
Vijay Bishnoi, CJ

Heard Mr. B. Dutta, learned senior counsel assisted by Mr. S.Deka, learned counsel for the petitioners. We have also heard Mr. D. Saikia, learned Advocate General assisted by Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam; Mr. K. Gogoi, learned CGC, appearing for the respondent no. 9 and Mr. N.C. Das, learned senior counsel assisted by Ms. M. Devi,

learned counsel for the respondent no. 6.

During the course of hearing on last occasion, learned counsel for the petitioners has submitted that in the affidavit-in-opposition filed on behalf of the respondent no. 6, the case of the petitioners is admitted as per paragraph no. 15 of the said affidavit. Faced with the situation, Mr. D. Saikia, learned Advocate General, Assam, prays for some time to complete his instruction and the matter is listed for further hearing today.

Yesterday an additional affidavit is filed on behalf of the respondent no. 6 mentioning that the averments made in paragraph 15 of the earlier affidavit filed on 13/07/2021 was an inadvertent mistake and in the fresh additional affidavit, the position of law as it exists today is mentioned. Learned counsel appearing for the respondent no. 6 has made an oral request to allow the respondent no. 6 to withdraw the affidavit-in-opposition filed on 13/07/2021.

Learned counsel for the petitioners has no objection if the respondent no. 6 is allowed to withdraw the affidavit-in-opposition filed on 13/07/2021.

In view of the above, we allow the withdrawal of the affidavit-in-opposition filed on behalf of the respondent no. 6 on 13/07/2021.

Learned counsel for the petitioners prays for some time to file counter to the additional affidavit filed on behalf of the respondent no. 6 on 12/08/2024.

Time prayed for is granted.

List this matter for hearing on 23/09/2024. However, the case may not be treated as part heard.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant