

GAHC010173442016



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

Case No. : WP(C)/5415/2016

THE INDIAN OIL CORPORATION LIMITED
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956 AND
HAVING ITS REGISTERED OFFICE AT INDIAN OIL BHAVAN, G9, ALI YAVAR
JUNG MARG, BANDRAE, MUMBAI-400051, REP. BY THE EXECUTIVE
DIRECTOR, INDIAN OIL AOD STATE OFFICE, GUWAHATI-781020.

VERSUS

THE LIQUIDATOR and 2 ORS
THE ASSAM STATE COOPERATIVE MARKETING and CONSUMERS'
FEDERATION LTD. STATFED, O/O. THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, ASSAM, KHANAPARA, GUWAHATI-781022.

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF COOPERATION
DISPUR
ASSAM.

3:THE CHIEF SECRETARY
GOVT. OF ASSAM
DISPUR-781006

Advocate for the Petitioner : MR.T N SRINIVASAN

Advocate for the Respondent : MR.P HAZARIKA R-1

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 21/03/2022

Heard Mr. M. K. Choudhury, the Senior Counsel assisted by Mr. A. Barkataki, learned counsel for the Petitioner, Mr. P. Hazarika, the learned counsel appearing on behalf of the respondent No.1/Liquidator and Ms. S. Sharma, the learned State Counsel appearing on behalf of the respondent Nos. 2 and 3.

A perusal of the records reveals that the Petitioner/IOCL claims that as on the date of filing of the writ petition they were entitled to get back 3079 number of LPG cylinders and 235 numbers of pressure regulators the cost of which works out to Rs. 62,81,500/-. However the materials on record does not suggest in what manner that the petitioner has calculated the said aspect of the matter.

Mr. M.K. Choudhury, the learned Senior Counsel submits that there is distributorship agreement on the basis of which such calculation has been made. However, the said distributorship agreement has not been included in the instant proceeding. Accordingly, he submits that he requires 2(two) weeks' time to file an additional affidavit to bring on record the said aspect of the matter.

Mr. P. Hazarika, the learned counsel for the Respondent No. 1 submits by drawing reference to paragraph No.17 of the affidavit-in-opposition that 3474 numbers of LPG cylinders and 233 numbers of pressure regulators are not available for handing over to the IOCL whereas steps are being taken to make these cylinders and pressure regulators available for handing over as soon as possible.

The affidavit-in-opposition filed by the Respondent No. 1 further shows that the stand has been taken to the effect that the liquidator is not privy to the handing over of the cylinders to the agents or managing agents appointed by STATFED. Be that as it may, the liquidator having been appointed and taking into consideration the dispute

involved herein, it would be appropriate for the liquidator to file an affidavit bringing on record the manner in which the liquidation proceedings were carried out in respect to STATFED by specifically bringing on record the assets of STATFED and how the liabilities of the STATFED have been met.

Let the matter be listed after four weeks so that the parties may file their affidavit in the manner as indicated herein above.

JUDGE

Comparing Assistant