

GAHC010216862022



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

Case No. : WP(C)/6888/2022

RAJ SINGHA AND 7 ORS.
S/O. DEBI PRASAD SINGHA, R/O. R.K.B. ROAD, CHRISTANPATTY, P.S.
SADAR, NAGAON-782001, ASSAM.

2: GOPAL KUMAR PODDAR

S/O. LT. POKHAR MAL PODDAR
R/O. OLD A.T. ROAD
HAIBARGAON
P.S. SADAR
NAGAON-782002
ASSAM.

3: SANTOSH KUMAR AGARWALA
S/O. LT. SURAJAMAL BANKREWAL
PROPRIETOR OF M/S. SANTOSH KUMAR AGARWALA
HAVING ITS OFFICE AT SIBHANGA
JAGIROAD
MORIGAON-782410
ASSAM.

4: SUNIL KUMAR BANKREWAL
S/O. LT. SURAJAMAL BANKREWAL
HAVING ITS OFFICE AT SILBHANGA
JAGIROAD
MORIGAON-781410
ASSAM.

5: RAMAWTAR AGARWAL
S/O. LT. BAJRANGLAL AGARWALA
PROPRIETOR OF M/S. UNIVERSAL ENTERPRISE
HAVING ITS OFFICE AND RESIDENCE AT SHANI MANDIR ROAD
HAIBARGAON
P.S. SADAR

NAGAON-782002
ASSAM.

6: LALIT KUMAR AGARWAL

S/O. LT. MOHAN LAL AGARWALA
PROPRIETOR OF M/S. HIMANSU ENTERPRISE
HAVING ITS OFFICE AND RESIDENCE AT 25
T.P. ROAD
NEAR KHETAWAT MILL
KHUTI KATIA
HAIBARGAON
NAGAON-782002
ASSAM.

7: SANDEEP KUMAR BANKREWAL
S/O. LT. SURAJAMAL BANKREWAL
HAVING ITS OFFICE AT SILBHANGA
JAGIROAD
MORIGAON-782410
ASSAM.

8: M/S. TCG TRADERS

A PARTNERSHIP FIRM
REP. BY ONE OF ITS PARTNER SHRI DIAPK KUMAR SAHA
S/O. LT. SUKLAL SAHA
R/O. BASUGAON
KOKRAJHAR
ASSAM-783372

VERSUS

THE UNION OF INDIA AND 6 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HEAVY
INDUSTRIES AND PUBLIC ENTERPRISE, UDYOG BHAWAN, RAFI MARG,
NEW DELHI, INDIA-110011.

2: THE HINDUSTAN PAPER CORPORATION LTD.

REP. BY ITS CHAIRMAN CUM MANAGING DIRECTOR
HAVING ITS CORPORATE HEADQUARTER AT KOLKATA
75-C
PARK STREET
WEST BENGAL AND REGD. OFFICE AT NEW DELHI
4TH FLOOR
SOUTH TOWER
SCOPE MINAR

LAXMI NAGAR
DIST. CENTRE
NEW DELHI-110092.

3:THE STATE OF ASSAM

REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
GUWAHATI-781006
ASSAM.

4:THE STATE OF ASSAM

REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF COMMERCE AND INDUSTRIES
DISPUR
GUWAHATI-781006
ASSAM.

5:THE MANAGING DIRECTOR

ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LTD.
HAVING ITS OFFICE AT R.G. BARUAH ROAD
GUWAHATI-781024
ASSAM

Advocate for the Petitioner : MR. H. BURAGOHAIN

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

07.12.2022

Heard Mr. H. Buragohain, learned counsel for the petitioner as well as Mr. K. Gogoi, learned Govt. Advocate for the respondent no.1 and Mr. M. Chetia, learned Govt. Advocate for the respondent no.3 as well as Mr. A. Kalita, learned standing counsel for the Industries and Commerce department, respondent no.4

and Mr. J.K. Goswami, learned standing counsel for the respondent no.5.

2. In view of the nature of grievance raised in the present writ petition let a notice returnable on 23.01.2022 be issued. Requisite extra copies of the writ petition be served on the learned State and departmental counsel appearing for respondent nos.1, 3, 4 and 5.

3. The petitioner shall take steps within 2(two) days for service of notice on the respondent no.2 at both the address of the respondent at Kolkata and Delhi. Liberty is granted to the learned counsel for the petitioner to collect the postal receipt number from the Registry so as to track service through the postal website of India Post and to submit the track report before the Registry prior to the next date fixed.

4. The learned counsel for the respondent no.5 has produced a copy of the agreement in terms of the order dated 02.11.2022. The same has been perused and returned with a direction to the learned counsel for the respondent no.5 to produce the same on the next date of hearing. The learned counsel for the respondent nos.4 and 5 had submitted that they are not aware as to whether the names of the petitioners are contained in the list of operational characters.

5. In this regard the learned counsel for the petitioners has referred to Annexure-IV of this writ petition to project that the name of the petitioner nos.3, 7, 4, 6, 8, 1, 2 and 5 appear at Sl. No.6, 35, 36, 110, 166, 286, 294 and 302 respectively.

6. The learned counsel for the respondent nos.4 and 5 shall take note of the same. Having noted that the claim of the petitioner is stated to be for direction to release of EMD and security deposit for the work already completed by them, the respondents shall file their affidavit-in-opposition on the next date of listing.

7. List the matter on 23.01.2023.

JUDGE

Comparing Assistant