

GAHC010236942015



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

Case No. : WP(C)/2886/2015

PRADIP CHANDRA BORA and 137 ORS
S/O BHOG RAM BORA, R/O NATUNGAON, P.O. and PS. JAGIROAD, DIST-
MORIGAON, ASSAM, PIN-782410

VERSUS

THE STATE OF ASSAM and 4 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, INDUSTRIES
AND COMMERCE DEPTT., DISPUR, GHY-6

2:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
PUBLIC ENTERPRISE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE ASSAM POLYTEX LIMITED

REPRESENTED BY ITS MANAGING DIRECTOR
JAGIROAD
ASSAM.

4:FINANCE DEPARTMENT
GOVT. OF ASSAM.

5:M/S ASSAM YEARN SUPPLIER
A REGD. PARTNERSHIP FIRM HAVING ITS REGD. OFFICE AT JAIHIND
BUILDING NO.1
2ND FLOOR
ROOM NO.3
BULESWAR
BOMBAY-400002

THROUGH ITS MANAGING PARTNER

Advocate for the Petitioner : MS.B DAS, MR.A DASGUPTA

Advocate for the Respondent : GA, ASSAM, MR P NAYAK, SC FINANCE DEPT.,SC,
INDUSTRIES

BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH

ORDER

Date : 11.09.2025

Case taken up before the Lawazima Court.

Learned counsel Ms. B. Das appears on behalf of the petitioners. Heard

Perused the records.

Perusal of the office note dated 27.08.2025 reveals that notice was issued to the respondent No. 5 by way of registered post with A/D as well as by usual Court process on 20.09.2023.

Now, in respect of the aforesaid notices issued to the respondent No. 5, this Lawazima Court has observed as follows:–

(i) In regard to the notice issued through registered post with A/D, it appears that the notice has been received un-served with the following postal remark:–

“No such person in the address”.

(ii) In regard to the notice issued through usual process, it appears that a Bailiff report (at Flag-‘UN’) has been received from the Court of Small Causes, Mumbai, perusal of which reveals that the Bailiff went to the address of respondent No. 5, i.e., “M/S Assam Yearn Supplier” on 27/10/2023, however, no responsible person of the said respondent was found there. Upon inquiry with the staff of the present office. i.e., “S. K. B. J. P. Co. (CA)”, the Bailiff has been informed that there is no such firm by the name of respondent No. 5 at the given address and they do not know anything about the aforesaid respondent No. 5. As such, notice has been returned un-served.

From the above, it may be discerned that notice could not be served upon the respondent No. 5 as of yet.

Now, taking into consideration of the observations made above, **the learned counsel for the petitioners, Ms. B. Das appearing before the Lawazima Court today prays for some time to obtain necessary instructions regarding the respondent No. 5.**

In view of the above, the petitioners are granted 7 (seven) days time to furnish instructions regarding the respondent No. 5.

Let the matter be listed again before the Lawazima Court on 25.09.2025.

Joint Registrar (Judicial)

Comparing Assistant