

GAHC010178282015



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

Case No. : WP(C)/5345/2015

M/S SHAPPHIRE OIL INDUSTRIES LIMITED
FACTORY SHED NO.4, INDUSTRIAL ESTATE, NEW BONGAIGAON, P.O.
BONGAIGAON, DIST. BONGAIGAON, ASSAM. REP. BY ITS DIRECTOR- SMT.
MANJU DEVI JAIN, W/O. SRI JIWAN MAL JAIN, R/O. SASHTRI ROAD, P.O.
BONGAIGAON, DIST. BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH- THE SECY., TO THE GOVT. OF ASSAM, DEPTT. OF INDUSTRIES,
DISPUR, GHY-06.

2:THE DIRECTOR OF INDUSTRIES

ASSAM
BAMUNIMAIDAN
GHY-21.

3:THE MANAGING DIRECTOR

ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
A GOVT. OF ASSAM UNDERTAKING BAMUNIMAIDAS
GHY-21

4:THE GENERAL MANAGER

DIST. INDUSTRIES AND COMMERCE CENTRE
BONGAIGAON
P.O. BONGAIGAON
DIST. BONGAIGAON
ASSAM.

5:ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
REPRESENTED BY ITS CHAIRMAN
GUWAHATI-21

Advocate for the Petitioner : MS.A DAS

Advocate for the Respondent : MS.A DEVI

Linked Case : WP(C)/5234/2015

M/S SAPPHIRE OIL INDUSTRIES LIMITED
FACTORY SHED NO.3
INDUSTRIAL ESTATE
NEW BONGAIGAON
P.O. and DIST- BONGAIGAON
ASSAM
REP. BY ITS DIRECTOR SMTI MANJU DEVI JAIN
W/O SRI JIWAN MAL JAIN
R/O SASHTRI ROAD
P.O. and DIST- BONGAIGOAN
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH THE SECY. TO THE GOVT. OF ASSAM
DEPTT. OF INDUSTRIES
DISPUR
GHY-6

2:THE DIRECTOR OF INDUSTRIES
ASSAM
BAMUNIMAIDAN
GHY-21

3:THE MANAGING DIRECTOR
ASSAM INDUSTRIAL INFRASTRUCTURE DEVEL. CORPORATION
A GOVT. OF ASSAM UNDERTAKING
BAMUNIMAIDAN
GHY-21

4:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
BONGAIGOAN

P.O. and DIST- BONGAIGAON
ASSAM

Advocate for : MR.F HUSSAIN
Advocate for : appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/6214/2015

M/S JAYA PLASTIC INDUSTRY
FACTORY SHED NO. 23
INDUSTRIAL ESTATES NEW BONGAIGAON
P.O. BONGAIGAON
DIST. BONGAIGAON
ASSAM
REP. BY ITS PROPRIETOR
SRI DHARMENDRA KUMAR DAKALIA S/O SRI SUNDAR LAL DAKALIA R/O
WARD NO. V
MAIN ROAD
BONGAIGOAN
P.O. BONGAIGOAN
PIN - 783381
DIST. BONGAIGOAN
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH- THE SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF INDUSTRIES
DISPUR
GUWAHATI -6.

2:THE DIRECTOR OF INDUSTRIES

ASSAM
BAMUNIMAIDAN
GUWAHATI-21.
3:THE MANAGING DIRECTOR

ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
A GOVT. OF ASAM
UNDERTAKING BAMUNIMAIDAN
GUWAHATI-21.
4:THE GENERAL MANAGER

DISTRICT INDUSTRIES AND COMMERCE CENTRE
BONGAIGOAN
P.O.BONGAIGOAN
DIST. BONGAIGOAN
ASSAM.

Advocate for : MS.K L R YANTHAN
Advocate for : appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 18-12-2023

The three writ petitions are taken up for disposal by this common order taking into account that in similar cases, a coordinate Bench of this Court has also passed certain orders in respect to similar issues.

2. WP(C) 5234/2015 and WP(C) 5345/2015 have been filed by the same petitioner. All the petitioners in these three writ petitions had applied for sheds in the Industrial Estate, Bongaigaon, on lease. The petitioner in WP(C) 5234/2015 and WP(C) 5345/2015 was leased out separate industrial sheds for which two writ petitions have been filed. The petitioners in all these three writ petitions are aggrieved by the enhancement of the lease rent and, that too, retrospectively from the year 2000.

3. Learned counsel appearing for the parties have submitted before this Court that similar issues have already been decided by the Coordinate Bench of this Court vide an order dated 28.10.2013, passed in WP(C) 2199/2008. Subsequently, the said order was also followed by this Court while disposing of WP(C) 4640/2015 and WP(C) 5153/2015.

4. Mr. M. Mahanta, learned counsel appearing for the respondent Assam Industrial Infrastructure Development Corporation (AIIDC) submits that these orders, which

have been passed by the Coordinate Bench of this Court have been duly complied with the State authorities and no appeals have been filed thereagainst.

5. Taking into account the above, this Court also proposes to dispose of the three writ petitions on the same line, as hereunder:

- (1) This Court is not inclined to interfere with the increase in the lease rent with effect from 01.05.2008 and, as such, the Respondent AIIDC would be at liberty to collect the rent at the said enhanced rate with effect from 01.05.2008, as stated in the impugned Demand Notice.
- (2) This Court, taking into account the orders passed by the Coordinate Bench of this Court, interferes with the action of the respondent authorities in imposing enhanced rate of rent with effect from the year 2000 till 30.04.2008. Under such circumstances, the respondent AIIDC is restrained from collecting any rent at the enhanced rate from the petitioners on the basis of the impugned Demand Notice for the period up to 30.04.2008.

6. The instant three writ petitions therefore stand disposed of in terms of the above.

JUDGE

Comparing Assistant