

GAHC010028062023



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

Case No. : I.A.(Civil)/352/2023

FABTECH PROJECTS AND ENGINEERS LTD.
A COMPANY INCORPORATED UNDER THE COMPANIES ACT HAVING ITS
REGISTERED OFFICE SITUATED AT OFFICE-4, LEVEL-7, M-AGILE, BANER
ROAD, BANER, PUNE-411045, MAHARASHTRA, INDIA AND IN THE
PRESENT PROCEEDINGS REPRESENTED BY B R NAIK, ASSOCIATE
DIRECTOR-FINANCE AND LEGAL OF THE PETITIONER COMPANY

VERSUS

OIL INDIA LTD. AND 7 ORS.
(A GOVT. OF INDIA ENTERPRISE) DULIAJAN-786602, DIST- DIBRUGARH,
ASSAM

2:THE CHAIRMAN AND MANAGING DIRECTOR
OIL INDIA LTD.
PLOT NO.19
SECTOR 16A
NOIDA-201301

3:DIRECTOR(OPERATION)
OIL INDIA LTD.
PLOT NO.19
SECTOR 16A
NOIDA-201301

4:GENERAL MANAGER (PROJECTS-C AND P)
OIL INDIA LTD.
DULIAJAN-786602
DIST- DIBRUGARH
ASSAM

5:CHIEF GENERAL MANAGER(PROJECTS)
OIL INDIA LTD.
DULIAJAN-786602
DIST- DIBRUGARH

ASSAM

6:RESIDENT CHIEF EXECUTIVE
OIL INDIA LTD.
DULIAJAN-786602
DIST- DIBRUGARH
ASSAM

7:UNION OF INDIA
REP. BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF PETROLEUM AND NATURAL GAS
SHASTRI BHAVAN
NEW DELHI-110001

8:EXECUTIVE DIRECTOR(FINANCE)
OIL INDIA LTD.
DULIAJAN-78660

Advocate for the Petitioner : DR. A SARAF

Advocate for the Respondent : SC, OIL

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

O R D E R

16.02.2023

Heard Dr. A Saraf, learned senior counsel for the applicant/writ petitioner and Mr. A Sarma, learned counsel for the respondents in the Oil India Limited (OIL).

2. The applicant Fabtech Projects and Engineers Ltd instituted WP(C) No. 648/2018 assailing a communication dated 12.01.2018 of the respondent OIL as regards deduction of GST in respect of the bills payable to the petitioner pursuant to the works undertaken by them under the respondent OIL.

3. In course of the hearing of the matter, the applicant Fabtech Projects and Engineers Ltd has filed this interlocutory application seeking for not further pursuing with the writ petition in the present form with liberty to file afresh. According to the applicant, they were subjected to a process under the

Insolvency Banking Code resulting in a resolution plan being approved by the National Company Law Tribunal, Mumbai Bench, which is extracted as below:-

“The Resolution Applicants state that all the other statutory liabilities that may arise from past assessments of the Corporate Debtor which are still not over, pertaining to the period before the Insolvency Commencement Date and/or Closing Date shall stand extinguished. The Claim of the Corporation Debtor with respect to GST dues against OIL India Limited(“OIL”) amounting to around Rs. 48 crores is pending at Guwahati High Court. In this regard, OIL shall not contest the claims further and shall make payment of the amount claimed by the Corporate Debtor immediately after approval of the Resolution Plan by the Adjudicating Authority. Upon making such payments the claims stands extinguished and the matter is pertaining to this shall stand infructuous. Other sales tax cases/ GST cases of various states also shall not pose any/ or on new the Resolution Applicants irrespective of whether the department shave filed claim or not and shall stand permanently extinguished. Further all the court cases shall stand infructuous. The parties to the case shall file appropriate/ suitable applications for withdrew of the matter.”

4. According to the applicant, in view of the resolution plan, they do not intend to pursue with the writ petition in the present form for the time being.
5. Mr.A Sarma, learned counsel for the respondents in the OIL does not object to the prayer of the writ petitioner/applicant for allowing them not to further pursue with the writ petition in the present form.
6. In view of the above, the interlocutory application stands allowed and WP(C) No. 648/2018 is closed on being not further pressed. However, as prayed for, liberty is granted to the applicant to approach again, if so advised.

JUDGE

Comparing Assistant