

GAHC010090112023



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

Case No. : WP(C)/2340/2023

SNOWFALL AGRO PRODUCTS PRIVATE LIMITED
A PRIVATE LIMITED COMPANY
REGISTERED UNDER THE PROVISIONS OF COMPANIES ACT, 1956,
AND HAVING ITS REGISTERED OFFICE AT EKTA FLORAL, BLOCK 03,
FLOOR 6TH, FLAT NO. D-27, CHRISTOPHER ROAD,
KOLKATA- 700046 AND CORPORATE OFFICE AT HOUSE NO. 17,
GAYATRIKUNJ, CHITRALEKHA LANE,
SUPERMARKET, DISPUR, GUWAHATI-781006, ASSAM
AND REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE AND
MANAGER, SRI DEBASISH CHAKRABORTY,
SON OF LATE ANIL CHAKRABORTY.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
DEPARTMENT OF LABOUR WELFARE AND EMPLOYMENT,
DISPUR, GUWAHATI-6.

2:THE SECRETARY CUM P.F. COMMISSIONER
BOARD OF TRUSTEES
NIDHI BHAWAN

BASISTHA
LALMATI
N.H.- 37

GUWAHATI- 781029
KAMRUP(METRO)

ASSAM.

3:THE RECOVERY OFFICER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
NIDHI BHAWAN
BASISTHA
LALMATI

N.H.- 37
GUWAHATI- 781029
KAMRUP(METRO)
ASSAM

Advocate for the Petitioner : MR G RAHUL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

10.05.2023

1. Heard Mr. G. Rahul, learned counsel for the petitioner and Mr. N.C. Das, learned Senior Counsel for the respondent nos.2 & 3. Mr. R. Talukdar, learned counsel appears for the respondent no.1.
2. The petitioner is aggrieved with the impugned letter dated 04.04.2023, wherein the petitioner's bid in the e-auction of the Fatemabad Tea Garden was accepted, but the entire sale transaction was not allowed to be completed, on the ground that the petitioner did not comply with the terms and conditions envisaged in Clause-XIV of the e-auction notice dated 06.12.2022.
3. The case of the petitioner is that due to non-deposit of the Provident Fund of the employees of the said Tea Garden, the said Tea Garden was attached on

05.12.2017 by the respondent no.3. Thereafter, in pursuant to an E-auction sale notice dated 06.12.2022 in respect of the Fatemabad Tea Garden, an auction was held on 14.03.2023. The petitioner was found to have tendered the highest bid amount in terms of the auction result published in the official website of the respondent no.3.

4. The respondent no.3 thereafter issued a letter dated 15.03.2023 to the Director of the petitioner company stating that as the petitioner's quoted price was the highest in the e-auction, he was advised to deposit 25% of the quoted amount, i.e. Rs.4,16,29,250/-.

5. The respondent no.3 thereafter wrote the impugned letter dated 04.04.2023 to the petitioner stating that on scrutiny of his bid and other relevant documents, it was found that the petitioner has failed to comply the terms and conditions envisaged in Clause-XIV of the e-auction notice and as such the bid of the petitioner was treated as cancelled on the aforesaid ground.

6. The petitioner's counsel submits that the petitioner had however deposited the 25% of the quoted price in terms of the respondent no.3's earlier letter dated 15.03.2023 issued by the respondent no.3, vide three cheques dated 17.03.2023.

7. The petitioner's counsel submits that the petitioner thereafter submitted a representation dated 08.04.2023 for recalling the impugned order dated 04.04.2023. However, no action has been taken by the respondent no.3 against

the petitioner's representation.

8. The petitioner's counsel submits that the writ petition can be disposed off, if a direction is issued to the respondent no.3 to take a decision on the petitioner's representation dated 08.04.2023, within a specified time period and until a decision is taken, the sale of the property in question should not be finalized with any other party.

9. Mr. N.C. Das, learned Senior Counsel for the respondent nos.2 & 3 submits that he has got no objection to the prayer made by the petitioner's counsel.

10. In view of the consent of the parties, the respondent no.3 is directed to examine and take a decision on the petitioner's representation dated 08.04.2023 within a period of 1 (one) month from today. Till a decision is taken by the respondent no.3, the respondent authorities should not finalize the auction sale of the Fatemabad Tea Garden in favour of any other party.

11. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant