

GAHC010120222023



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

Case No: I.A.(Civil)/1792/2023

SIMPLEX INFRASTRUCTURES LTD
HAVING ITS REGISTERED OFFICE AT SIMPLEX HOUSE 27 SHAKESPEARE
SARANI KOLKATA PIN 700017 STATE WEST BENGAL AND REP. BY MR.
ARINDOM CHOWDHURY SENIOR MANAGER ADMINISTRATION

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FOREST AND ENVIRONMENT DEPTT. DISPUR GUWAHATI 6

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF FOREST
FORCE

ARANYA BHAWAN PANJABARI GUWAHATI 781037 ASSAM

3:THE DIVISIONAL FOREST OFFICER NAGAON DIVISION
NAGAON

ASSAM

4:THE ASSISTANT CONSERVATOR OF FOREST HEAD QUARTER
ASSAM

5:THE NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.

3RD FLOOR PTI BUILDING 4 PARLIAMENT STREET NEW DELHI 110001 AND
REP. HEREIN BY ITS MANAGING DIRECTOR

6:THE DEPUTY GENERAL MANAGER (PROJECTS)
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD PMU TEZPUR SARAF TOWER 1ST FLOOR OPPOSITE
DON BOSCO SCHOOL MAZGAON TEZPUR 784001 DIST. SONITPUR ASSAM

Advocate for : DR. ASHOK SARAF

Advocate for : SC

FOREST appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 27.06.2023

Heard Mr. A. Saraf, learned counsel for the applicant as well as Mr. RR Gogoi, learned standing counsel for the Forest Department appearing for the opposite party nos.1, 2, 3 and 4 as well as Mr. C. Baruah, learned standing counsel for the opposite party nos.5 and 6.

2. This IA has been filed for modification of the conditions contained in para-10 of the order dated 07.06.2023 passed in WP(C) 3206/2023. The conditions contained in para-10 of the order is as follows:

“In the interim and till the next returnable date, the respondents shall not take coercive steps to recover forest royalty and other dues, subject to condition that the petitioner shall secure the demanded sum of Rs.1,45,84,055/- (Rupees One crore forty five lakh eighty four thousand fifty five only) by providing unconditional bank guarantee for a sum of Rs.1,00,00,000/- (Rupees One crore only) within a period of 15 (fifteen) days from the date of the order.”

3. The learned senior counsel for the applicant has submitted that instead of condition to provide unconditional bank guarantee, the applicant is ready and willing to provide a bank draft for a sum of Rs.1 crore which would be renewed before the expiry of the tenure of the said instrument. It is submitted that the applicant undertakes that in case of failure to extend the validity of the demand draft, it would be permissible to the Forest Department to appropriate the same against the demand. In addition, it is submitted that to enable the applicant to provide the said guarantee, one month's time be granted from today to furnish the bank draft for a sum of Rs.1.00 crore.

4. Having considered the nature of prayer made in this IA, the prayer made by the learned senior counsel for the applicant is allowed.

5. The modification of para-10 of the order dated 07.06.2023 in WP(C) 3206/2023 shall now be read as follows:

“10. In the interim and till the next returnable date, the respondents shall not take coercive steps to recover forest royalty and other dues, subject to condition that the applicant shall secure the market sum of Rs.1,45,84,055/- (Rupees one crore forty five lakh eighty four thousand and fifty five rupees only) by providing a demand draft for a sum of Rs.1.00 crore within a period of 30 days from the date of the order. The applicant shall provide a fresh demand draft for a sum of Rs.1.00 crore before the expiry of the tenure of the bank draft to be submitted from time to time.”

6. This order shall be read together with the order dated 07.06.2023 passed in WP(C) 3206/2023.

7. This IA stands disposed of.

JUDGE

Comparing Assistant