

GAHC010139912023



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

Case No. : CRP(IO)/206/2023

PRECISION ELECTRONICS LTD.
REGISTERED OFFICE AT D-1081, NEW DELHI-110025 AND CORPORATE
OFFICE AT D-10, SECTOR-3, NOIDA-201301, U.P. AND HAVING ITS
PRODUCTION INDUSTRY AT PLOT NO. 9 AND 10, K.I.E. INDUSTRIAL
STATE, ROORKEE-249406, UTTARKHAND AND ALSO HAVING ITS OFFICE
AT GAIL GAS RECEIVING TERMINAL (GRT), TINTUKURA, NEAR
PANIKHAITI POLICE STATION, PANIKHAITI, HUWAHATI-26, DIST- KAMRUP
(M), ASSAM

VERSUS

AJM INFRASTRUCTURE AND 2 ORS.
A PROPRIETORSHIP UNIT AND REPRESENTED BY ITS PROPRIETOR MR.
ANWAR HUSSAIN, S/O ABDUR RAHMAN, AGED ABOUT 52 YEARS,
HAVING ITS OFFICE AND PLACE OF BUSINESS AT 34, HB SANJOGI PATH
NO. 1, HATIGAON, GUWAHATI-38, DIST-KAMRUPM (M), ASSAM, AND ALSO
HAVING ITS REGISTERED OFFICE AT KALGACHIA, BELARPATHAR,
KALGACHIA-781319, DIST-BARPETA, ASSAM

2:GAIL (INDIA) LTD.
A GOVERNMENT OF INDIA UNDERTAKING AND A MAHARATNA
COMPANY UNDER THE OWNERSHIP OF THE MINISTRY OF PETROLEUM
AND NATURAL GAS
GOVERNMENT OF INDIA
HAVING ITS REGISTERED OFFICE AT GAIL BHAWAN
16 BHIKAJI CAMA PLACE
NEW DELHI-110066 AND ALSO HAVING ONE OF ITS BRANCHES AT 5TH
FLOOR
MEGHA PLAZA
BASISTHA CHARIALI
GUWHAATI-20
DIST-KAMRUP (M)

ASSAM

3:M/S TECHNO GLOBAL SERVICES PVT. LTD.
HAVING ITS OFFICE AT 1720
RAJDANGA MAIN ROAD
GE-158
KOLKATA
W.B. AND AT PRESENT ALSO SITE OFFICE AT GAIL
GAS RECEIVING TERMINAL (GRT)
TINTUKURA
NEAR PANIKHAITI
GUWAHATI-26
DIST-KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. A K PURKAYASTHA

Advocate for the Respondent : MR. S MITRA, SC, GAIL (FOR CAVEATOR)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 04.07.2023

Heard the learned counsel for the petitioner.

2. This petition is filed by the petitioner Precision Electronics Ltd. being aggrieved by the order dated 02.06.2023 passed in T.S. No. 80/2023 by the Court of Civil Judge No. 1, Kamrup(M), Guwahati. The following order was passed:

“Plaintiff, defendant no. 1 and 2 are represented.

Defendant no. 2 filed WS with cost of Rs.5,000/-. Furnish copy of WS and cost to other side.

Defendant no. 1 vides petition no. 3360/23 prayed adjournment for filing WS.

On perusal of the case record it is seen that defendant no. 1 received the summons on 14.2.23 and on arithmetical calculation the period of 90 days for filing WS already elapsed. Hence, the prayer filed by defendant no. 1 for filing WS stands rejected. Let proceed against defendant no. 1 without their WS. Defendant no. 1 has deposited cost of Rs.5,000/-. Same is received by other

side.

Defendant no. 3 by filing petition no. 3375/23 prayed adjournment for filing WS. It is seen from the case record that suit against defendant no. 3 already proceeded ex-parte vide order dt. 22.2.23. Hence, the prayer of defendant no. 3 stands rejected.

Fixing 7.7.23 for issue/ADR."

3. The learned counsel for the petitioner submits that a bare perusal of the order reveals that no reasons are cited for rejecting the application praying for extension of time to file written statement. The defendant no. 2 who also earlier did not file written statement was imposed a cost of Rs.5000/- (Rupees Five Thousand) with an opportunity to file a written statement. However, there is no reason as to why the competent Court did not permit the defendant no. 1 to file the written statement beyond the period and why no reasons are cited while rejecting the petition no. 3360/23 filed by the defendant no. 1 namely Precision Electronics Ltd. the petitioner herein also.

4. The learned counsel for the petitioner submits the next date fixed is 07.07.2023 for framing of issues/ADR. The learned counsel for the petitioner accordingly submits that the impugned order be interfered with and the petitioner be permitted one final opportunity to file a written statement and contest the case accordingly.

5. Mr. S Mitra, learned counsel appears for the respondent no. 2.

6. Having heard the learned counsel for the parties, we find that the impugned order dated 02.06.2023 was passed by rejecting the application filed by the petitioner being petition no. 3360/23 praying for an adjournment for filing the written statement. The learned counsel for the petitioner has also submitted that one final opportunity be granted to file written statements.

7. Accordingly, upon hearing the learned counsel for the parties, this Court is of the view that the present petition can be disposed of at this stage. The learned counsel for the petitioner submits that he will positively file written statements on 19.07.2023. Purely in the interest of justice this Court is of the view that the impugned order dated 02.06.2023 is required to be set aside and the petitioner be granted one final opportunity to file its written

statement. The impugned order dated 02.06.2023 is interfered with and set aside.

8. The writ petitioner is permitted to file written statement within 19.07.2023 subject to payment of cost of Rs.7000/- (Rupees Seven Thousand) only.

9. CRP is accordingly disposed of in terms of the above.

JUDGE

Comparing Assistant