

GAHC010040862024



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

Case No. : WP(C)/1062/2024

K D IRON AND STEEL COMPANY
A REGISTERED PARTNERSHIP FIRM REGISTERED UNDER THE INDIAN
PARTNERSHIP ACT, 1932, HAVING ITS PRINCIPAL PLACE OF BUSINESS AT
6TH FLOOR, SRI KAMAKHYA TOWER, BEHIND SOHUM SHOPEE,
CHRISTIAN BASTI, G.S.ROAD, GUWAHATI- 781005 BEING REPRESENTED
BY MR. BINOD KUMAR GOENKA, D7A SHUBHAM BUILDWELL,
R.G.BARUAH ROAD, MANIK NAGAR, NEAR NEEPCO BHAWAN, DISPUR,
GUWAHATI, KAMRUP (M), ASSAM- 781005

VERSUS

ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LTD AND 2 ORS
A-4, R G BARUAH ROAD, AMBIKAGIRINAGAR, GUWAHATI, ASSAM, PIN-
781024, REPRESENTED BY ITS MANAGING DIRECTOR

2:THE MANAGING DIRECTOR
ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LIMITED
A-4
R G BARUAH ROAD
AMBIKAGIRINAGAR
GUWAHATI
ASSAM
PIN- 781024

3:METAL SCRAP TRADE CORPORATION LIMITED
A MINI RATNA CATEGORY-I PSU UNDER THE ADMINISTRATIVE CONTROL
OF THE MINISTRY OF STEEL
GOVERNMENT OF INDIA
HAVING ITS HEAD OFFICE AT KOLKATA
PLOT NO. CF-18/2
STREET NO. 175
ACTION AREA 1C

NEW TOWN KOLKATA
700156 AND ITS NORTH EAST BRANCH OFFICE AT MSTC LIMITED
BSNL EXCHANGE BUILDING
BELTOLA BASISTHA ROAD
WIRELESS
GUWAHATI
ASSAM
PIN- 78103

Advocate for the Petitioner : MR. S BANIK

Advocate for the Respondent : SC, AIDC

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

27.02.2024

1. Heard Mr. S. Banik, learned counsel for the petitioner and Mr. J.K. Goswami, learned Standing Counsel, AIDC.
2. The petitioner's case is that the petitioner was the successful bidder in respect of the e-auction sale to lift "Plant & Machinery of Nagaon Paper Mill without Land" on "As is where is basis". Subsequent to the above, an agreement for sale of Plant & Machinery dated 21.06.2023 was reached between the petitioner and the Assam Industrial Development Corporation Limited (AIDC). Thereafter the AIDC issued a communication dated 18.07.2023 addressed to the petitioner, whereby the Canteen and Forest Office Building at Nagaon Paper Mill were allotted to the petitioner at a total monthly rent of Rs.30,307/- till 20.06.2024.
3. Subsequent to the above events, the AIDC has issued another e-auction notice for demolition and disposal of amongst others, the Weighbridge, the

Forest Office, Training Centre, Verandah and the parts so dismantled and stored by the petitioner inside the rental premises.

4. Mr. S. Banik, learned counsel for the petitioner submits that a representation dated 22.02.2024 has been submitted by the petitioner requesting the AIDC to withdraw the above Weighbridge, Forest Office, Training Centre and the Veranda from the e-auction notice, as the petitioner has developed the hardware and software for the Weighbridge. Further, the items assembled and stored by the petitioner in pursuance to the earlier e-auction notice should also not be auctioned to some other persons.

5. Mr. S. Banik, learned counsel for the petitioner submits that the AIDC should take a decision on the petitioner's representation with regard to whether the Weighbridge should be left out from the purview of the e-auction notice until 20.06.2024, which is the date the petitioner's lease on the forest office and time for lifting of the materials, would expire.

6. Mr. J.K. Goswami, learned Standing Counsel, AIDC submits that he has got no objection to the same.

7. In view of the consent of the parties, the AIDC will take a decision on the petitioner's representation dated 22.02.2024, with regard to whether the Weighbridge should be left out from the e-auction notice. Till a decision is taken by the AIDC with regard to the Weighbridge, the petitioner should be allowed to use the same by the AIDC. With regard to the other leased out premises of the Nagaon Paper Mill and the articles stored by the petitioner, the petitioner should not be disturbed till 20.06.2024.

8. This Court again makes it clear that the Sl. Nos.2, 4, 5 & 6 of Annexure-E of the writ petition is not the subject matter of the writ petition and the issue of

Sl. No.1 will depend on the decision to be taken by the AIDC.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant