

GAHC010065122021



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

Case No. : WP(C)/2655/2021

M/S G. K. AGRO INDUSTRIES
INDUSTRIAL ESTTE, NEW BONGAIGAON, DIST.- BONGAIGAON, ASSAM,
REP. BY ITS PROPRIETOR, NIRMAL KUMAR GOLCHA, AGED ABOUT
YEARS, S/O- KESHRA CHAND GOLCHA, R/O- BONGAIGAON, P.O., P.S. AND
DIST.- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH- THE SECRETARY, TO THE GOVT. OF ASSAM, DEPTT. OF
INDUSTRIES, DISPUR, GHY-6

2:THE DIRECTOR OF INDUSTRIES
ASSAM
BAMUNIMAIDAN
GHY-21

3:THE MANAGING DIRECTOR
ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
(A GOVT. OF ASSAM UNDERTAKING)
BAMUNIMAIDAN
GHY-21

4:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
BONGAIGAON
P.O. BONGAIGAON
DIST.- BONGAIGAON
ASSA

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : SC, INDUSTRIES

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

18.03.2024

1. Heard Ms. A. Bora, learned counsel for the petitioner. Also heard Mr. N. Kalita, learned counsel for the respondent nos.1, 2 & 4 and Mr. A.N. Sharma, learned counsel for the respondent no.3.

2. The writ petitioner is aggrieved with the Notice sent to the petitioner, directing them to pay rent for their industrial shed in Industrial Estate, Bongaigaon @Rs.1/- per sq.ft and Rs.0.15 paisa per sq.ft. for the open spaces with retrospective effect from 07.01.2000.

3. The petitioner's counsel submits that the present case is covered by the order dated 29.01.2024 passed in WP(C) 4507/2015, which in turn has been made in pursuant to the order dated 28.10.2013 passed in WP(C) No.2199/2008. She accordingly submits that the present case may be disposed of in terms of the order dated 29.01.2024 passed in WP(C) 4507/2015.

4. The counsels for the respondents submit that the present case is covered by the order dated 29.01.2024 passed in WP(C) 4507/2015 and accordingly a similar order can be passed in the present case.

5. I have heard the learned counsels for the parties.

6. In view of the consent of the learned counsels for the parties, this writ petition is also disposed of in the same line as the order dated 29.01.2024 passed in WP(C) 4507/2015, which has been made in terms of the order dated 28.10.2013 passed in WP(C) No.2199/2008.

7. Accordingly, this writ petition is disposed of as follows :

(i) This Court is not inclined to interfere with the increase in the lease rent with effect from 01.05.2008 and, as such, the Respondent AIIDC would be at liberty to collect the rent at the said enhanced rate with effect from 01.05.2008.

(ii) This Court, taking into account the orders passed by the Coordinate Bench of this Court, interferes with the action of the respondent authorities in imposing enhanced rate of rent with effect from the year 2000 till 30.04.2008. Under such circumstances, the respondent AIIDC is restrained from collecting any rent at the enhanced rate from the petitioners for the period up to 30.04.2008

JUDGE

Comparing Assistant