

GAHC010107692024



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

Case No. : WP(C)/2829/2024

RAHUL ROY
S/O- GAUTAM ROY (MANAGING DIRECTOR, HOTEL RIYA PALACE,
SILCHAR, CACHAR),
R/O- ROYS VILLA, UKILPATTY, SILCHAR,
P.O- SILCHAR,
DIST- CACHAR, ASSAM, PIN-788001

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, INDUSTRIES AND COMMERCE AND PUBLIC
ENTERPRISES, DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE MANAGING DIRECTOR

ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LIMITED (A GOVT
OF ASSAM UNDERTAKING)
R.G BARUAH ROAD
GUWAHATI-24

3:THE GENERAL MANAGER
THE ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LIMITED (A
GOVT OF ASSAM UNDERTAKING)
R.G BARUAH ROAD
P.O- AMBIKAGIRI NAGAR
DIST- KAMRUP (M)
GUWAHAT
ASSA

For the Petitioner(s) : Ms. S. B. Choudhury, Advocate

For the Respondent(s) : Mr. N. Kalita, Standing Counsel
: Mr. S. Das, SC, AIDC

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 24.07.2024

Heard Ms. S. B. Choudhury, the learned counsel appearing on behalf of the Petitioner and Mr. N. Kalita, the learned counsel appearing on behalf of the Respondent No.1. I have also heard. Mr. S. Das, the learned Standing counsel appearing on behalf of the AIDC.

2. The issue involved in the instant writ petition is a limited one. The Petitioner herein in pursuance to a notice published for sale of the assets of the erstwhile M/s Sonar Cachar Publication Pvt. Ltd, Silchar had submitted his bid. His bid was duly accepted by the AIDC being the highest bidder. Pursuant thereto, the sale certificate was issued as well as the possession was handed over to the Petitioner. The Petitioner has approached this Court on the ground that the Respondent Authorities are not executing the Deed of Sale in respect to the properties in favour of the Petitioner.

3. This Court vide an order dated 03.06.2024 had issued notice and sought for instructions from the Respondent AIDC as to why the Deed of Sale was not executed and registered in favour of the Petitioner. In that regard, an affidavit has been filed by the Respondent No.2 wherein it has been mentioned that though the Petitioner was the highest bidder and had paid the amount but the Petitioner along with one Dr. Ranabir Paul wanted that the registration be done in favour of one M/s RD Associates and as M/s RD Associates has nothing to do as regards the bid submitted or the sale certificate issued, the Respondent corporation could not have executed and registered the Deed of Sale in favour

of M/s RD Associates. This aspect of the matter can be seen from paragraph No.11 of the said affidavit filed by the Respondent No.2.

4. Ms. S. B. Choudhury, the learned counsel for the Petitioner submits that the Petitioner is not adverse to the execution and registration of the Deed of Sale in respect to the assets of the erstwhile M/s Sonar Cachar Publication Pvt. Ltd, Silchar in respect to which the sale certificate was issued in the name of the petitioner.

5. Taking into account the above aspect, this Court is of the opinion that as the Petitioner is not adverse to execution and registration of the Deed of Sale in the name of the Petitioner, the Respondent corporation should not have any objection taking into account the stand taken in paragraph No.11 of the affidavit. Accordingly, the instant writ petition stands disposed of thereby directing the Respondent Corporation more particularly the Respondent No.2 to execute and register the Deed of Sale in respect to the property as described in the Possession Certificate dated 10.03.2018 enclosed as Annexure-C to the writ petition in favour of the Petitioner. The said exercise be carried out within 2 (two) months from the date of the instant order.

6. With above observations and directions, the instant petition stands disposed of.

JUDGE

Comparing Assistant