

GAHC010111782024



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

Case No. : I.A.(Civil)/1730/2024

M/S JOY ENTERPRISE
A PARTNERSHIP FIRM REGISTERED UNDER THE INDIAN PARTNERSHIP
ACT, HAVING REGISTRATION NO. L32087 DATED 29.06.2017 HAVING ITS
REGISTERED OFFICE AT PANDAPARA, SHESBATI, P.S. AND DISTRICT
JALPAIGURI, REP BY SUBRATA CHOUDHURY JALPAIGURI

VERSUS

UNION OF INDIA AND 4 ORS
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI-781011

2:THE GENERAL MANAGER/CON
N.F. RAILWAY
MALIGAON
GUWAHATI-781011

3:THE CHIEF ENGINEER/CON
N.F. RAILWAY
MALIGAON
GUWAHATI-781011

4:THE DEPUTY CHIEF ENGINEER/CON
N.F. RAILWAY
MALIGAON
GUWAHATI-781011

5:THE DEPUTY CHIEF ENGINEER/CON
N.F. RAILWAY
NEW JALPAIGURI
WEST BENGAL

Advocate for the Petitioner : MR RAB HUSSAIN, MS P SEN,MR A A AHMED,F. SHAHIN

Advocate for the Respondent : DY.S.G.I., MR. A K DUTTA

Linked Case : Arb.P./28/2022

PRADIP CHOUDHURY
SOLE PROPRIETOR OF M/S JOY ENTERPRISE
S/O KRISHNA KANTA CHOUDHURY
R/O PANDAPARA
P.O. AND DIST-JALPAIGURI
PIN-735101
WEST BENGAL

VERSUS

UNION OF INDIA AND 4 ORS
REPRESENTED BY THE GENERAL MANAGER
N.F. RAILWAY
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5:THE DEPUTY CHIEF ENGINEER/CON
N.F. RAILWAY
NEW JALPAIGURI
WEST BENGAL

Advocate for : MR. R HUSSAIN

Advocate for : DY.S.G.I. appearing for UNION OF INDIA AND 4 ORS

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 16.08.2024

Heard Mr. A. A. Ahmed, learned counsel for the applicant. Also heard Mr. A. K. Dutta, learned CGC for all the respondents.

2. This Interlocutory Application has been filed by the petitioner seeking amendment of the arbitration petition being Arb.P./28/2022. He submits that due to inadvertent mistake the correct averments and statements were not made in the arbitration petition and therefore the same is required to be amended.

3. Notice in the matter was issued on 02.01.2023.

4. Mr. A. K. Dutta, learned CGC appears for all the respondents. He does not object to the prayer made seeking amendment of arbitration petition.

5. Upon taking into consideration the submissions of the learned counsel for the petitioner and upon perusal of the Interlocutory Application, this Court is of the view that the amendments can be allowed. Accordingly, the following amendments as reflected in the Interlocutory Application are allowed to be incorporated in the Arbitration petition being Arb.P./28/2022.

“6. That in the Cause title of the petition the name and description of petition is mentioned as follows:

*"Mr. Pradip Choudhury,
Sole proprietor of M/S Joy Enterprise,*

*Son of Krishna Kanta Choudhury,
resident of Pandapara, PO & District- Jalpiguri,
Pin735101, West Bengal”.*

*However, the same is required to be amended
to the extent that name and description of petitioner should be-*

*“M/s Joy Enterprises, a partnership firm registered
under the Indian Partnership Act, having registration No. L32087 dated
29.06.2017 vide Register of Firms volume 813 Folio 83 Government of West
Bengal and having its registered office at Pandapara, Shesbati, PS. & District
- Jalpaiguri represented by Shri Subrata Choudhury.”*

7. That similarly, in the petition, the para 1 reads as follows:-

*"1. That the petitioner is a Contractor by profession and he has been
registered under different Government departments including Railway
and carry on business of various construction work under name and
style of M/S Joy Enterprise having its principal place of business at
Pandapara, —PO-& District - Jalpaiguri, Pin-735101, West Bengal.”*

*Therefore, it has become necessary to amend
the para 1 in the following manner:-*

*“1, That the petitioner is a Partnership firm registered under the
Partnership Act, having its principal place of business at Pandapara,
Shesbati, P.S. & District - Jalpaiguri, West Bengal. The petitioner has
been carrying on business of supply and construction work of various
government department including Railways since last many years.”*

6. This Interlocutory Application is accordingly stands allowed and disposed of.

7. The amended arbitration petition will be filed within 2 (two) weeks from today.

JUDGE

Comparing Assistant