

GAHC010114162015



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

Case No. : CRP/75/2015

THE STATE OF ASSAM and 3 ORS
REP. BY THE SECY., HEALTH AND F.W. DEPTT., GOVT. OF ASSAM, DISPUR,
GHY-6

2: THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
HEALTH and F.W. DEPTT.
DISPUR
GHY-6

3: THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GHY-36

4: THE JT. DIRECTOR OF HEALTH SERVICES
CACHAR
SILCHAR-

VERSUS

M/S J.D. PHARMACEUTICALS and 3 ORS
A REGD. PARTNERSHIP FIRM, HAVING ITS OFFICE AND PRINCIPAL PLACE
OF BUSINESS AT M.C. ROAD, GHY-3, REP. BY ITS PARTNER SRI JUGAL
KISHORE CHOPRA

2:JUGAL KISHORE CHOPRA
S/O LT. BANARASI DAS CHOPRA
PARTNERS
M/S J.D. PHARMACEUTICALS
R/O P.D. CHALIHA ROAD
GHY-3

3:THE TREASURY OFFICER
DISPUR TREASURY GOVT. OF ASSAM

DISPUR
GHY-6

4:THE BRANCH MANAGER
STATE BANK OF INDIA
DISPUR BRANCH
GHY-

For the Petitioner(s) : Mr. D. Saikia, Advocate General, Assam
: Mr. B. Gogoi, Standing Counsel

For the Respondent(s) : Mr. S. P. Roy, Advocate
: Mr. J. Das, Advocate

Linked Case : WP(C)/4563/2022

M/S. J. D. PHARMACEUTICALS AND ANR
A REGISTERED PARTNERSHIP FIRM HAVING ITS PRINCIPAL PLACE OF
BUSINESS AT P.D. CHALIA ROAD
GUWAHATI-3
REPRESENTED BY ITS PARTNERS.

2: JUGAL KISHORE CHOPRA
S/O- LATE BANARSI DAS CHOPRA
RESIDENT OF P.D. CHALIA ROAD
GUWAHATI-3.
VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-6.

2:THE PRINCIPAL SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
DISPUR
GOVT. OF ASSAM
GUWAHATI-6.

3:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF ASSAM
DISPUR

GHY-6.
4:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF FINANCE
GOVERNMENT OF ASSAM
DISPUR

GUWAHATI-6.
5:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI-6.

For the Petitioner(s) : Mr. S. P. Roy, Advocate
: Mr. J. Das, Advocate

For the Respondent(s) : Mr. D. Saikia, Advocate General, Assam
: Mr. B. Gogoi, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 06.03.2024

1. The Civil Revision Petition being CRP No.75/2015 and WP(C) No.4563 of 2022 are taken up together for disposal taking into account the similarity of the issues involved.
2. I have heard Mr. D. Saikia, the learned Advocate General, Government of Assam assisted by Mr. B. Gogoi, the learned Standing counsel appearing on behalf of the Health and Family Welfare Department and Mr. S. P. Roy, the learned counsel appearing on behalf of the M/s J.D. Pharmaceuticals, the writ petitioner in WP(C) No. 4563/2022.
3. It has been brought to the attention of this Court by way of joint affidavit filed today that the total dues of the said M/s J.D. Pharmaceuticals, the Petitioner in WP(C) No.4563/2022 have been amicably resolved with the Health and Family Welfare Department of the Government of Assam. The total dues

which have been amicably resolved, relates to the total decretal amounts in respect to the judgment and decree passed in Money Suit Nos. 242/93, 245/93, 244/93, 248/93, 241/93, 64/94, 190/94, 246/93, 20/94, 190/93, 247/93, 188/93, 228/93, 189/94, 188/94. The amicably resolved amount is Rs.41,24,19,280/- (Rupees Forty One Crore Twenty Four Lakhs Nineteen Thousand Two Hundred Eighty only). Out of the said amount of 41,24,19,280/- (Rupees Forty One Crore Twenty Four Lakhs Nineteen Thousand Two Hundred and Eighty only), an amount of Rs.37,11,77,352/- (Rupees Thirty Seven Crores Eleven Lakhs Seventy Seven Thousand Three Hundred and Fifty Two only) had been paid to the said M/s J.D. Pharmaceuticals by handing over a cheque bearing No.285643 dated 04.03.2024 during the course of hearing to the counsel of M/s J.D. Pharmaceuticals. The remaining amount i.e. an amount of Rs.4,12,41,928/- (Rupees Four Crores Twelve Lakhs Forty One Thousand Nine Hundred and Twenty Eight only) pertains to the TDS amount which shall be deposited by the State of Assam before the Competent Authority.

4. The above amicable resolution of the disputes is apparent from a perusal of paragraph Nos. 3, 4 and 5 of the joint affidavit filed by the Joint Secretary of the Health and Family Welfare Department and the partner of M/s J.D. Pharmaceuticals. Paragraph Nos. 3, 4 and 5 of the said affidavit are reproduced herein under:

“3. That the instant Civil Revision Petition was filed by the petitioners with a prayer for quashing and setting aside of the impugned Warrant of Attachments dated February 06, 2015 issued by the learned Court of Civil Judge No.1, Kamrup at Guwahati, in Money Execution Case Nos. 1/96, 14/97, 15/97, 16/97, 8/98, 10/98, 19/98, 23/98, 30/98, 1/99, 03/99, 38/99, 7/2000, 12/03 and 17/03, and, with a further prayer not to attach any Head of Accounts maintained by the petitioners, for realization of the decretal amount in

pursuance of Judgment and Decrees passed in Money Suit Nos. 242/93, 245/93, 244/93, 248/93, 241/93, 64/94, 190/94, 246/93, 20/94, 190/93, 247/93, 188/93, 228/93, 189/94, 188/94 and 66/94.

4. *That this joint affidavit has been filed by the deponents to bring on record that the parties to the petition have decided to amicably settle the matter and that the petitioners in the Health and Family Welfare Department, Government of Assam are ready to release payment towards the outstanding dues payable to the respondents in connection with the work being the subject matter of the instant case as well as that of WP(C) No. 4536/2022 (J.D. Pharmaceuticals vs. The State of Assam and Ors.). The petitioners are ready to disburse Cheque No. 285643, dated 04" March 2024 for an amount of Rs. 37,11,77,352.00/- (Rupees Thirty Seven Crores Eleven Lakhs Seventy Seven Thousand Three Hundred and Fifty Two only) out of the total outstanding amount of Rs. 41,24,19,280.00/- (Rupees Forty One Crores Twenty Four Lakhs Nineteen Thousand Two Hundred and Eighty only). Further, an amount of Rs. 4,12,41,928.00/- (Rupees Four Crores Twelve Lakhs Forty One Thousand Nine Hundred and Twenty Eight only) deducted from the aforesaid total amount as TDS which is being released vide Cheque No. 285644, dated 04 March 2024 and the same tax component shall be deposited immediately by the respondents. Also, it will be pertinent to mention that the total outstanding amount i.e. Rs. 41,24,19,280.00/- includes the principal amount as well as the interest accrued over the period as per the negotiation held between the parties.*

5. *That in view of the above, it is the joint prayer of both the parties that the instant Civil Revision Petition along with the writ petition being WP(C) No.4536/2022 may be closed by the Hon'ble Court and no further cause of action shall remain."*

5. Taking into account the above and the fact that the payment of Rs.37,11,77,352/- (Rupees Thirty Seven Crores Eleven Lakhs Seventy Seven

Thousand Three Hundred and Fifty Two only) have been duly paid by way of a cheque bearing No.285643 dated 04.03.2024 and the State of Assam is going to deposit the remaining amount of Rs.4,12,41,928/- (Rupees Four Crores Twelve Lakhs Forty One Thousand Nine Hundred and Twenty Eight only) as the applicable TDS before the competent authority, the decrees passed in the aforementioned suits stand satisfied and accordingly the Money Execution Case Nos. 1/96, 14/97, 15/97, 16/97, 8/98, 10/98, 19/98, 23/98, 30/98, 1/99, 03/99, 38/99, 7/2000, 12/03 and 17/03 are required to be closed in view of the satisfaction of the decrees. This Court therefore directs the respective parties to place a certified copy of this order before the respective learned Executing Court(s) in respect to the abovementioned Execution proceedings and the learned Executing Court(s) shall on the basis of the instant order close the said execution proceedings.

6. With above observations and directions, both the revision petition and the writ petition stands disposed of.

JUDGE

Comparing Assistant