

GAHC010125952017



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

**Case No. : WP(C)/1973/2017**

M/S. PHEROS STRUCTURAL PVT. LTD. and ANR.  
REGISTERED OFFICE AT INDUSTRIAL ESTATE, BAMUNIMAIDAM,  
GUWAHATI -21, ASSAM REP. BY SHRI VIVEK SINGH, MANAGING  
DIRECTOR.

2: SRI VIVEK SINGH S/O- SHRI BP SINGH  
R/O- HOUSE NO. 22 EAST JYOTINAGAR  
P.O- NOONMATI  
GUWAHATI- 781020  
DIST- KAMRUP

VERSUS

THE ASSAM INDUSTRIAL INFRASTRUCTURE DEV. CORPN. and 2 ORS.  
GOVERNMENT OF ASSAM UNDERTAKING INDUSTRIAL ESTATE,  
BAMUNIMAIDAM, GUWAHATI-21, REP. BY ITS MANAGING DIRECTOR.

2: THE MANAGING DIRECTOR  
THE ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT  
CORPORATION GOVT OF ASSAM UNDERTAKING  
INDUSTRIAL ESTATE BAMUNIMAIDAM GUWAHATI-21

3: THE GENERAL MANAGER  
THE ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT  
CORPORATION GOVT OF ASSAM UNDERTAKING  
INDUSTRIAL ESTATE BAMUNIMAIDAM GUWAHATI-2

**Advocate for the Petitioner** : MR.A DAS, MR.R SARMA, MR.S K MEDHI, MR.S DUTTA, MR. K  
N CHOUDHURY, MS. R DEKA, MR. D J DAS, MR. B K KASHYAP

**Advocate for the Respondent** : MS.A DEVI R- 1-3, MR A N SARMAH, MR M M ZAMAN, MR. S  
CHAMARIA

**BEFORE  
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 05.08.2024**

Heard Mr. D. J. Das, learned counsel for the petitioner. Also heard Mr. S. Chamaria, learned standing counsel, Assam Industrial Infrastructure Development Corporation(AIIDC) appearing on behalf of all the respondents.

Mr. Das, learned counsel for the petitioners, has referred to an additional affidavit filed by him in the matter and has submitted that inspite of the repeated efforts made by him to contact the petitioner; the petitioner remains incommunicable. Accordingly, he has submitted that a written communication was issued to the petitioner, herein, requiring the petitioner to contact him, if not, providing that he along with his senior and other colleagues would withdraw from the present proceeding.

Today, Mr. Das, learned counsel, has contended that the petitioner, till date, has not contacted them in the matter and accordingly, he may be permitted to withdraw from the present proceeding.

Prayer is accepted.

Mr. Das, learned counsel, along with his senior and other colleagues, are permitted to withdraw from the present proceeding and their names be deleted from the array of the Advocates representing the petitioners, herein.

The petitioner, by way of instituting the present proceeding; has raised a

grievance with regard to a Notice published in the daily Newspapers, dated 03.03.2017, requiring the occupiers of the Industrial Unit located in the Industrial Estate/areas mentioned therein, to clear their outstanding dues on or before 31.03.2017, without fail. The petitioner who is occupying an Industrial Unit within the premises of the Industrial Estate, Bamunimaidam, Guwahati, on receipt of the said notice; had paid an amount of Rs. 2,94,864/- (Rupees Two Lakhs Ninety Four Thousand Eight Hundred Sixty Four) and a balance amount of Rs. 5,05,136/- (Rupees Five Lakhs Five Thousand One Hundred Thirty Six) remaining pending; he, accordingly, used a cheque for an amount of Rs. 4,50,000/- (Rupees Four Lakhs Fifty Thousand), in satisfaction of the said claim with further stipulation that the balance amount of Rs. 55,000/- (Rupees Fifty Five Thousand) would be paid before 31.03.2017.

Alleging that the respondent authorities were taking steps for eviction of the petitioner from the concerned Industrial area; the present proceeding has been so instituted by the petitioner.

This Court, on noticing the said projection made in this writ petition, passed an order restraining the respondent authorities from taking any coercive measure against the petitioner in the matter.

The respondent authorities have, thereafter, filed an affidavit in the matter wherein the dues receivable from the petitioner till 31.03.2017, had been quantified at Rs. 25,03,692/- (Rupees Twenty Five Lakhs Three Thousand Six Hundred Ninety Two). It was further contended in the affidavit filed by the respondents that on the lapse occasioning on the part of the petitioner in clearing his dues; the AIIDC authorities were compelled to take steps for cancellation of the allotment made in his favour and subsequent eviction of

the petitioner by following the due process of law and observing all formalities.

It is contended by Mr. Chamaria, learned standing counsel appearing for the AIIDC authorities, that the petitioner, in view of the interim directions passed by this Court, is, neither, vacating the Industrial Unit occupied by him in the Industrial Estate, in question, nor, clearing his dues which has further accumulated after the said quantification as made by the respondent authorities as of 31.01.2017.

In view of the above position; this Court hereby directs the authorities of AIIDC to issue to the petitioner, herein, a notice calling upon him to clear the dues receivable from him. In the said notice, the authorities of AIIDC shall quantify the dues so receivable from the petitioner, till the date of issuance of such notice. The petitioner shall, thereafter, within a period of 1(one) month from the date of receipt of the said notice, promptly, clear the dues so quantified by the AIIDC authorities.

In the event, the petitioner fails to clear his dues, within the time-frame prescribed, hereinabove; the authorities of AIIDC would be at liberty to take steps for eviction of the petitioner from the Industrial unit occupied by him, and for recovery of the amounts due from him.

With the above directions and observations, this writ petition stands disposed of. Interim order, passed by this Court vide order, dated 30.03.2017, stands vacated.

**JUDGE**

**Comparing Assistant**