

GAHC010158502024



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

Case No. : CRP(IO)/289/2024

SARDA ECO POWER LTD.,
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956 HAVING
ITS REGISTERED OFFICE AT JESMINE RESIDENCY, HOUSE NO. 26, OPP.
S.B.I. REHABARI BRANCH, SANTI RAM DAS PATH, REHABARI, GHY-781008
AND IN THE INSTANT PETITION IS REPRESENTED BY ITS AUTHORIZED
SIGNATORY SHRI CHURUKANTI ASHOK REDDY, SON OF LATE YELLA
REDDY, R/O- JASMINE RESIDENCY, HOUSE NO. 26, OPP- SBI REHABARI
BRANCH, SANTI RAM DAS PATH, REHABARI, GHY-781008.

VERSUS

ASSAM POWER GENERATION CORPORATION LIMITED AND ANR
BIJULEE BHAWAN, 2ND FLOOR, PALTANBAZAR, GUWAHATI-781001.

2:THE CHIEF MANAGER (HYDRO)
ASSAM POWER GENERATION CORPORATION LIMITED
BIJULEE BHAWAN
2ND FLOOR
PALTANBAZAR
GUWAHATI-781001

Advocate for the Petitioner : MR G N SAHEWALLA, MR M SAHEWALLA,MR H K
SARMA,MS G DUGAR

Advocate for the Respondent : SC, AEGCL,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

19.08.2024

Heard Mr. G.N. Sahewalla, learned Senior Counsel assisted by Mr. M.

Sahewalla, learned counsel for the petitioner and Mr. D. Nath, learned Standing Counsel for the respondents.

2. In this petition, under Article 227 of the Constitution of India read with Section 151 of the C.P.C., the petitioner, Sarda Eco Power Limited has put to challenge the correctness or otherwise of the order dated 31.07.2024, passed by the learned Additional District Judge No. 5, Kamrup (M) at Guwahati in Misc. (Arb) Case No. 59/2022.

3. It is to be noted here that vide impugned order dated 31.07.2024, the learned trial court has transferred the Misc. (Arb) Case No. 59/2022 to the learned District Judge, Kamrup (M) at Guwahati to transfer the same to the commercial court constituted by the Govt. of Assam vide notification dated 13.02.2019, and directed the parties to appear before the commercial court on 06.11.2024.

4. Mr. Sahewalla, learned Senior Counsel appearing for the petitioner submits that the learned District Judge, Kamrup (M) at Guwahati has already transferred the case to the commercial court, i.e. the court of learned Civil Judge (Senior Division), No. 3, Kamrup (M) at Guwahati. Mr. Sahewalla further submits that the petitioner has filed a petition on 28.07.2024, for allowing it to withdraw a sum of Rs. 7,45,34,718/-, pursuant to order dated 23.04.2024, passed in Misc. (J) Case No. 25/2023, which is deposited by the respondents here in this case, before the learned Additional District Judge No. 5, Kamrup (M) at Guwahati. Mr. Sahewalla also submits that as the case has been transferred to the court of learned Civil Judge (Senior Division), No. 3, Kamrup (M) at Guwahati, the said court may be directed to dispose of the petition within a period of 2 (two) weeks from today.

5. On the other hand, Mr. Nath, learned Standing Counsel for the respondents submits that he has no objection in the event of issuing direction to the learned Civil Judge (Senior Division), No. 3, Kamrup (M) at Guwahati to dispose

of the petition, filed by the petitioner on 28.07.2024, within a period of 2 (two) weeks from today.

6. Having considered the submissions of learned counsel for both the parties, this Court is inclined to dispose of this petition by directing the learned Civil Judge (Senior Division), No. 3, Kamrup (M) at Guwahati to dispose of the petition filed by the petitioner on 28.07.2024, within a period of 2 (two) weeks from the date of receiving a certified copy of this order.

7. In terms of above, this petition stands disposed of.

JUDGE

Comparing Assistant