

GAHC010265742023



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

Case No. : I.A.(Civil)/3483/2023

M/S A K AND COMPANY
BUDDHA MANDIR ROAD, P.O.-DULIAJAN, DIST- DIBRUGARH, ASSAM,
PIN-786602

VERSUS

SK. ABIDUL HUSSAIN
S/O ABDUL AZIZ, R/O DESANG GHAT, P.O.-RAJABARI, P.S.-SIVASAGAR,
DIST- SIVASAGAR, ASSAM

Advocate for the Petitioner : MR. B CHAKRAVARTY

Advocate for the Respondent : SC, I O C

Linked Case : WP(C)/6839/2022

SK. ABIDUL HUSSAIN
S/O ABDUL AZIZ
R/O DESANG GHAT
P.O.-RAJABARI
P.S.-SIVASAGAR
DIST- SIVASAGAR
ASSAM

VERSUS

INDIAN OIL CORPORATION LTD. AND 22 ORS.
(MARKETING DIVISION) EASTERN REGION OFFICE
REGIONAL CONTRACT SALE
INDIAN OIL BHAWAN
2 GARIAHAT ROAD
(SOUTH)
DHAKURIA
KOLKATA-700068
REPRESENTED BY THE CHIEF GENERAL MANAGER
INDIA OIL CORPORATION LTD. (MARKETING DIVISION)

2:THE CHIEF GENERAL MANAGER
INDIAN OIL CORPORATION LTD (MARKETING DIVISION)
EASTERN REGION OFFICES
REGIONAL CONTRACT SALE
INDIAN OIL BHAWAN
2 GARIAHAT ROAD
(SOUTH)
DHAKURIA
KOLKATA-700068

3:INDIAN OIL CORPORATION LTD (MARKETING DIVISION) DIGBOI
TERMINAL
PO-DIGBOI
DIST-TINSUKIA
ASSAM
PIN-786171

4:M/S SULTAN AHMED
G.N.B. ROAD
TINSUKIA
ASSAM
PIN-786125

5:M/S SHISAM SHAH
MISSION PARA
P.O.-TINSUKIA
DIST- TINSUKIA
ASSAM
PIN-786125

6:M/S A K AND COMPANY
BUDDHA MANDIR ROAD
P.O.-DULIAJAN
DIST- DIBRUGARH
ASSAM
PIN-786602

7:M/S SEKHAR KALITA
SRIPURIA
TINSUKIA
ASSAM

PIN-786125
8:M/S M.K. TRANSPORT
G.N.B. ROAD
TINSUKIA
ASSAM
PIN-786125
9:M/S JOYANTA BARMAN
RUPJYOTI NAGAR
WARD NO-1
GOLAGHAT-785621
10:M/S N.S TRANSPORT
WEST SRIPURIA
P.O.-TINSUKIA
DIST-TINSUKIA
ASSAM
PIN-786125
11:M/S BIPLOB MECH
HATIALI GAON
DIGHOLIA
DIST- DIBRUGARH
ASSAM
PIN-786101
12:SRI HIMANTA HAZARIKA
TENGAKHAT
P.O.-TENGAKHAT
DIST- DIBRUGARH
ASSAM
PIN-786101
13:M/S PUNAM TRANSPORT
L.N.B ROAD
NEAR NEPALI MANDIR
SRIPURIA
P.O.-TINSUKIA
DIST- TINSUKIA
PIN-786125
14:M/S A B C CONSTRUCTION
GOLAI NO. 1
PO- DIGBOI
DIST- TINSUKIA
ASSAM
PIN-786171
15:M/S BAIPALLI GIRIDHAE RAO
BAM HUKUTA
P.O.- DULIAJAN
DIST- DIBRUGARH
ASSAM
PIN-786602
16:M/S JOYDEEP DAS

SAMPRITEE LANE 2 NO. DULIAJAN GAON

P.O.-ANANDAPARA

DIST-DIBRUGARH

ASSAM

PIN-786602

17:M/S TUHIN TRANSPORT

SAI SARI

AT ROAD

DHKIAJURI

TINSUKIA

ASSAM

PIN-786125

18:M/S KAVITA KALITA

LACHIT NAGAR

SRIPURIA

TINSUKIA

ASSAM

PIN-786125

19:M/S PRASAD TRANSPORT

SRIPURIA NEPALI MANDIR

IOC ROAD

TINSUKIA

ASSAM

PIN-786125

20:M/S HARDISH SINGH

HIJUGURI

P.O.-HIJUGURI

DIST-TINSUKIA

ASSAM

PIN-786192

21:M/S BHUJAL GRAM COKE COAL

LEDO TRAP GAON

P.O.-LEDO

DIST-TINSUKIA

ASSAM

PIN-786182

22:DEPUTY CHIEF CONTROLLER OF EXCLUSIVES

GUWAHATI

HOUSE NO. 216

2ND FLOOR

ABOVE IDBI

CHANDMARI

GUWAHATI-781021.

23:DISTRICT TRANSPORT OFFICER

KAMRUP (M)

NH BYPASS

BETKUCHI

GUWAHATI- 781035.

Advocate for : MR. U K NAIR

Advocate for : SC

I O C appearing for INDIAN OIL CORPORATION LTD. AND 22 ORS.

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

15.03.2024

1. None appears for the petitioner on call. None did represent the petitioner when the matter was called on 29.01.2024. Ms. M D Bora and Mr. SS Roy, learned counsels for the respondents are present.
2. The present writ petition is filed praying for setting aside and quashing letter of acceptance dated 31.08.2022 issued by the Chief General Manager, Regional Contract Cell Eastern Region, Indian Oil Corporation Ltd. (Marketing Division) in favour of respondent Nos. 4 to 21 pursuant to NIT dated 26.02.2022 for allotment of 70 numbers of tank trucks for road transportation of bulk petroleum products at Digboi Terminal. Further, prayer to issue a direction to the respondent authority to issue letter of acceptance in favour of the petitioner was also made. The petitioner during the course of hearing alleged certain serious illegalities so far same relates to supply vehicle in terms of the tender by the respondent No. 6.
3. In the aforesaid backdrop, this court under its order dated 14.03.2023 and 05.12.2022 asked the CID to verify the anomalies alleged to have been committed against the successful tenderers. In terms of such order, the respondent No. 6 has handed over possession of a vehicle bearing registration No. AS-09 AC-9075 to the CID.
4. In the aforesaid backdrop, an FIR was also filed being Digboi PS case No.

183/2022 under Section 406/468/471 IPC. Thus, the vehicle of the respondent No. 6 was under custody of the CID during investigation. In the meantime, the CID has submitted final form under Section 173 of Cr.P.C. closing the investigation and exonerating the respondent / vehicle owner's.

5. In the aforesaid backdrop, the connected IA being IA (Civil) 3483/2023 is filed for direction of release of such vehicle from the custody of the CID inasmuch as such custody was taken subsequent to order (supra) of this court.
6. Be that as it may as none appears for the petitioner on call, this writ petition stands dismissed for non-prosecution.
7. As the writ petition stands dismissed and the CID had already filed Final Report in the case, in the considered opinion of this court there is no requirement for keeping the vehicles under custody of the CID for the purpose of determination of the present litigation. Accordingly, it is clarified that the vehicle under custody of the CID may be released, if the said vehicle is not otherwise required by the CID.
8. It is also submitted that for the pendency of this writ petition, the registration license as well as EESO license of the petitioner has been kept in hold. It is also clarified that there is no bar for renewal continuation of such license for the reason of the present litigation and the authority shall be at liberty to proceed in accordance with law for renewal/ continuation of such license.
9. This court has observed that the petitioner has assailed the process of NIT as discussed hereinabove and remained absent on last two occasions and in the meantime, not only valuable judicial time is wasted, this court had to issue direction for CID enquiry which ended up in closure.

10. Accordingly, in the considered opinion of this court, the petitioner should be imposed with a cost of Rs. 50,000/- to be paid before the Gauhati High Court Legal Services Committee.
11. Registry shall issue a notice to the petitioner in the address declared in the writ petition asking him to deposit such cost. Such payment be deposited within a period of four weeks from receipt of such notice.

JUDGE

Comparing Assistant