

GAHC010227322024



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

Case No. : WP(C)/5570/2024

M/S HARISONS INDUSTRIES
A PROPRIETORIAL CONCERN HAVING ITS REGISTERED OFFICE AT
HASTINGS CHAMBERS, 7C KIRAN SHANKER ROY ROAD, KOLKATA-
700001 AND IS REPRESENTED BY ITS PROPRIETOR ASHOK KUMAR
BAJORIA, AGED 61 YEARS, S/O- HARI KISHAN BAJORIA,
R/O B-41, TOLLY APARTMENTS, 49/49 PRINCE GOLAM, MD SHAH ROAD,
GOLF GARDEN, P.S- JADAVPUR, KOLKATA-700033

VERSUS

OIL INDIA LIMITED AND 2 ORS.
A PUBLIC SECTOR UNDERTAKING HAVING REGISTERED OFFICE AT
DULIAJAN, DIBRUGARH, PIN-786602

2:THE CHIEF GENERAL MANAGER
OILDULIAJAN DIBRUGARH PIN-786602

3:THE EXECUTIVE DIRECTOR (C AND P)
OILDULIAJAN DIBRUGARH PIN-78660

Advocate for the Petitioner : MR A R BAROOAH, MR D SENAPATI,MR GAURAV R DUTTA

Advocate for the Respondent : SC, OIL,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

Date : 30.10.2024

Heard Mr. D. Senapati, learned counsel for the petitioner and Mr. A. Sarmah, learned Standing Counsel for the Oil India Limited.

2. Mr. D. Senapati, learned counsel for the petitioner submits that the petitioner was awarded a contract on 17.02.2022, which was to be completed within 15 months from the date of issue of the letter of acceptance. The petitioner applied for extension of the contract work on 11.05.2023 and the same was allowed up to 15.08.2023. The petitioner was thereafter sent a notice of termination on 31.07.2023, on the ground of delay in completing the contract, to which the petitioner sent a reply on 09.08.2023.

3. Due to disputes arising between the parties, the petitioner sent an e-mail dated 31.12.2023 to the respondents, invoking the arbitration Clause, in terms of Clause 42.3 of the contract agreement. In spite of the e-mail dated 31.12.2023, the respondents sent a show cause notice dated 18.01.2024 to the petitioner, for putting the petitioner on a holiday list for a period of 2 years, as per Clause 5.1 read with Clause 5.3 of the OIL's Banning Policy, 2017. The petitioner submitted his reply dated 30.01.2024 to the show cause notice dated 18.01.2024.

4. The respondents thereafter issued the impugned speaking order dated 14.06.2024, by which the petitioner was debarred from bidding or entering into a contract with the Oil India Limited for a period of 1 year 6 months, w.e.f. 18.01.2024 up to 18.07.2025.

5. Being aggrieved, the petitioner submitted an appeal against the speaking order on 18.06.2024. However, the said appeal has not been decided till date.

6. The petitioner's counsel submits that the writ petition can be disposed of, if a direction is issued to the Appellate Authority to take a decision on the petitioner's appeal within a specified time period.

- 7.** Mr. A. Sarmah, learned Standing Counsel for the Oil India Limited submits that he has got no objection to the said prayer made by the petitioner's counsel.
- 8.** As the petitioner has submitted an appeal against the speaking order on 18.06.2024, the Appellate Authority is directed to take a decision on the petitioner's appeal within a period of 15 days from the date of receipt of a copy of this order.
- 9.** The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant