GAHC010005002019

2026:GAU-AS:12676

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

Case No. : WP(C)/394/2019

AMRITA DAS GUPTA (DEB)
D/O- LATE RATISH DAS GUPTA, W/O- PANTU DEB, R/O- COLLEGE ROAD,
WARD NO. 13, P.O, P.S AND DIST- HAILAKANDI, ASSAM, PIN- 788151

VERSUS

THE INDIAN OIL CORPORATION AND 4 ORS
REP. BY THE CHIEF GENERAL MANAGER (RETAIL SALE), INDIAN OIL
STAFF OFFICE, SECTOR- 3, NUNMATI, GHY- 20, ASSAM

2:THE DEPUTY COMMISSIONER
KARIMGANJ (FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS)
DIST- KARIMGANJ
ASSAM

3:THE SUPERINTENDENT (FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS)
KARIMGANJ
DIST- KARIMGANJ
ASSAM

4:MADHABI DAS GUPTA
W/O- LATE JYOTIRMOY DAS GUPTA
R/O- RAMKRISHNA NAGAR
P.O AND P.S- RAMKRISHNA NAGAR
DIST- KARIMGANJ
ASSAM

5:JAYANTA DAS GUPTA
S/O- LATE JYOTIRMOY DAS GUPTA
R/O- MAIN ROAD

RAMKRISHNA NAGAR
P.O AND P.S- RAMKRISHNA NAGAR
DIST- KARIMGANJ
ASSA

For the Petitioner(s) : Mr. M. U. Mahmud, Advocate

For the Respondent(s) : Mr. A. Jahid, Standing Counsel
: Mr. S. D. Purkayastha, Advocate
: Ms. U. Das, Addl. Sr. GA, Assam

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 02.09.2026

Heard Mr. M. U. Mahmud, the learned counsel appearing on behalf of the Petitioner and Mr. A. Jahid, the learned Standing counsel appearing on behalf of the Respondent No.1. I have also heard Ms. U. Das, the learned Additional Senior Government Advocate appearing on behalf of the Respondent Nos. 2 & 3 and Mr. S. D. Purkayastha, the learned counsel appearing on behalf of the Respondent Nos. 4 and 5.

2. The present writ petition has been filed by the Petitioner seeking a direction upon the Respondent No.1 not to supply the SK Oil to the Respondent No.4 & 5 and further allow the Petitioner to run the M/S Sukhamoy Das Gupta & Company as one of the partners of the said partnership business.

3. It is relevant to take note of the submission of Mr. A. Jahid, the learned Standing counsel appearing on behalf of the Respondent No.1 who submitted on instructions that there is no supply of SK Oil to the Respondent No.4 & 5 or even to the firm namely M/S Sukhamoy Das Gupta & Company.

4. Mr. S. D. Purkayastha, the learned counsel who appears on behalf of the Respondent Nos. 4 & 5 also submitted that there is no supply of SK Oil to the Respondent Nos. 4 & 5.

5. It is further relevant to take note of that there is a dispute of civil nature between the Petitioner and the Respondent Nos. 4 & 5 as to whether the Petitioner has any right over the partnership firm pursuant to the death of the Petitioner's father.

6. It is the opinion of this Court that such civil disputes have to be adjudicated before a competent Court of Civil Jurisdiction and a proceedings under Article 226 of the Constitution is not the right forum more so when the learned Standing counsel for the Respondent No.1 categorically submitted that there shall be no supply of SK Oil to M/S Sukhamoy Das Gupta and Company as well as the Respondent Nos. 4 & 5.

7. Accordingly, this Court therefore disposes of the instant writ petition with the following observations and directions:

(i) The relief so sought for as regards the direction upon the

Official Respondents not to supply SK Oil to the Respondent Nos. 4 & 5 does not arise inasmuch as the Respondent No.1 who is the supplier has given an undertaking before this Court that there shall be no supply of SK Oil to the Respondent Nos. 4 & 5.

(ii) The disputes between the Petitioner and the Respondent Nos. 4 & 5 are purely civil disputes as regards their rights in respect to the partnership firm namely M/S Sukhamoy Das Gupta & Company. The said disputes have to be adjudicated before a competent Court of Civil jurisdiction.

JUDGE

Comparing Assistant