GAHC010129622026

2026:GAU-AS:15619-DB

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

Case No. : I.A.(Civil)/2248/2026

M/S. ROYAL COAL PRODUCTS AND ANR.
TIRAP GAON, SAIL LINE, LEDO, MARGHERITA SUB-DIVISION, P.O- LEDO,
P.S.- MARGHERITA, DISTRICT - TINSUKIA, ASSAM, PIN 786182,
REPRESENTED BY ITS SOLE PROPRIETOR SRI KHITISH DEBNATH.

2: SRI KHITISH DEBNATH
S/O - SRI SARAT DEBNATH
R/O- LEDO ROAD GAON
P.O.- LEDO
P.S.- MARGHERITA
DISTRICT- TINSUKIA
ASSAM
PIN-786182

VERSUS

THE STATE OF ASSAM AND 13 ORS.
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT OF ASSAM,
DISPUR, GUWAHATI - 6, ASSAM.

2:THE DISTRICT COMMISSIONER
TINSUKIA
DISTRICT - TINSUKIA
PIN - 786125.

3:THE SUB DIVISIONAL OFFICER
CIVIL
MARGHERITA
SUB-DIVISION
MARGHERITA
DISTRICT- TINSUKIA
ASSAM PIN - 786181.

4:THE CIRCLE OFFICER

MARGHERITA REVENUE CIRCLE
MARGHERITA
DISTRICT - TINSUKIA
ASSAM
PIN - 786181

5:THE CIRCLE INSPECTOR
DIGBOI SUBDIVISION
MARGHERITA
DISTRICT TINSUKIA
ASSAM
PIN - 786171.

6:THE OFFICER IN CHARGE
MARGHERITA POLICE STATION
P.O.- MARGHERITA
MARGHERITA
DISTRICT - TINSUKIA
ASSAM PIN - 786181.

7:THE OFFICER IN CHARGE
LEDO OUT POST
MARGHERITA POLICE STATION
MARGHERITA
DISTRICT - TINSUKIA
PIN - 786182.

8:THE GENERAL MANAGER
NORTH EASTERN COALFIELDS
COAL INDIA LIMITED
MARGHERITA
DISTRICT- TINSUKIA
PIN - 786181.

9:THE MANAGER
NORTH EASTERN COALFIELDS
COAL INDIA LIMITED
MARGHERITA
DISTRICT - TINSUKIA
PIN - 786181.

10:THE MANAGER
LEDO OPEN CASTING PRODUCTION
NORTH EASTERN COALFIELDS
COAL INDIA LIMITED
MARGHERITA
DISTRICT - TINSUKIA
PIN786182

11:THE MANAGER
PERSONNEL
COAL INDIA LIMITED
TIRAP COLLIERY AGENT OFFICE
P.O. - LEDO
DISTRICT - TINSUKIA
PIN - 786182.

12:THE MINING OFFICER
NORTH EASTERN COALFIELDS
COAL INDIA LIMITED
MARGHERITA
DISTRICT- TINSUKIA
PIN - 786182.

13:THE GENERAL MANAGER
DISTRICT - INDUSTRIES COMMERCE CENTER
TINSUKIA
GOVERNMENT OF ASSAM
DISTRICT - TINSUKIA
PIN - 786125.

14:THE REGIONAL EXECUTIVE ENGINEER
POLLUTION CONTROL BOARD
ASSAM
REGIONAL OFFICE
DIBRUGARH
DISTRICT - DIBRUGARH
ASSAM
PIN - 786003

Advocate for the Petitioner : MR A K CHAUDHURY, MR R CHAKRAVORTY,MS P BARMAN,R BASUMATARY,MR. P SARMAH

Advocate for the Respondent : GA, ASSAM, MR. A M DUTTA(R8TO12),MR M Z AHMED(R8TO12),SC, PCB,SC, COAL INDIA

Linked Case : CRP/0/0

MS ROYAL COAL PRODUCTS
TIRAP GAON
SAIL LINE

LEDO
MARGHERITA SUB-DIVISION
P.- LEDO
P.S.- MARGHERITA
DISTRICT - TINSUKIA
ASSAM
PIN 786182
REPRESENTED BY ITS SOLE PROPRIETOR SRI KHITISH DEBNATH.

2: SRI KHITISH DEBNATH
S/O - SRI SARAT DEBNATH
R/O- LEDO ROAD GAON
P.O.- LEDO
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DISTRICT- TINSUKIA
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14:THE REGIONAL EXECUTIVE ENGINEER
POLLUTION CONTROL BOARD
ASSAM
REGIONAL OFFICE
DIBRUGARH
DISTRICT - DIBRUGARH
ASSAM
PIN - 786003.

Advocate for : ASHIM KUMAR CHAUDHURY
Advocate for : appearing for THE STATE OF ASSAM

-BEFORE-

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

14.10.2026
(K. Goswami, J)

Heard Mr. A.K. Choudhury, learned Advocate for the applicants; Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam for the respondent Nos. 1 to 7; Ms. H. Talukdar, learned Advocate for the respondent Nos. 8 to 12 and Mr. S. Baruah, learned Standing counsel, Pollution Control Board, Assam for the respondent No. 14.

2. This application has been filed for condoning the delay of 188 days in preferring the connected writ appeal against the judgment and order dated 13.11.2025 passed by a learned Single Judge of this Court in WP(C) No.4705/2013.

3. Being aggrieved by the aforesaid judgment, the applicants preferred the connected writ appeal. However, as the appeal could not be instituted within the prescribed period of limitation, there is a delay of 188 days in filing the same, for which the present application has been preferred.

4. The applicants have sought condonation of the delay in filing the connected writ appeal, contending that the delay in preferring the intra-court appeal occurred as they had initially pursued Review Petition No. 16/2026, which was dismissed on 09.03.2026, and seek exclusion of the time spent in the review proceedings. They have further stated that in the meantime, efforts were made to amicably resolve the land dispute through the District Administration and the concerned Revenue Circle, but no effective steps were taken despite verbal assurances. The applicants have also cited the illness of applicant No.2 during the latter part of May, 2026, which prevented him from travelling to Guwahati to pursue the appeal. Upon recovery, he visited Guwahati and took steps to file the appeal. Accordingly, the applicants contend that the delay was neither intentional nor deliberate and have prayed for condonation thereof in the interest of justice.

5. Having heard the learned Advocates appearing for the

contending parties and having considered the explanations furnished, we are satisfied that the delay is sufficiently explained, which was neither deliberate nor *mala fide*.

6. In the facts and circumstances of the present case, sufficient causes having been shown, the delay of 188 days in preferring the connected Writ Appeal is condoned.

7. The interlocutory application stands allowed and disposed off.

8. Registry to process the connected writ appeal and list the same on **17.12.2026** under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant