GAHC010116122026

2026:GAU-AS:16318-DB

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

**Case No. : I.A.(Civil)/2210/2026**

BHUVAN VALLEY TEA CO. (P) LTD. AND ANR
REGISTERED OFFICE AT 145, RASH BIHARI AVENUE, KOLKATA - 700029.

2: RADHEY SHYAM TIWARY
SON OF LATE SIYA RAM TIWARY
RESIDENT OF 39
CHOTTO BOHERA
P.O.- BORO BEHERA
DISTRICT- HOOGLI
WEST BENGAL

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE DISTRICT COMMISSIONER, CACHAR, SILCHAR, ASSAM.

2:THE ASSISTANT LABOUR COMMISSIONER
CACHAR
SILCHAR
ASSAM

3:THE SUB DIVISIONAL OFFICER (C)
LAKHIPUR
CACHAR
SILCHAR
ASSAM

4:THE SECRETARY CUM PROVIDENT FUND COMMISSIONER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
NIDHI BHAWAN
LALMATI
BASISTHA
NH-37

PIN- 781029.

5:THE ASSISTANT PROVIDENT FUND COMMISSIONER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
TRUNK ROAD
OPPOSITE SUMO STAND
SILCHAR
DISTRICT- CACHAR
PIN- 788001

6:THE RECOVERY OFFICER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
TRUNK ROAD
OPPOSITE SUMO STAND
SILCHAR
DISTRICT- CACHAR
PIN-788001.

7:THE RECEIVER
SRI PRAMOD KUMAR SARMA
LAXMI KANTAM TEA AND TRADING CO.
NAZIRPATTY
P.O.- SILCHAR
PIN- 788001
ASSA

**Advocate for the Petitioner** : MS.TWINKLE SARMA, MR S PARASHAR

**Advocate for the Respondent** : GA, ASSAM, H BORUAH (R7),ANZIR ALI MIR (R7),SC, ATEPFO

Linked Case : CRP/0/0

BHUVAN VALLEY TEA CO P LTD
REGISTERED OFFICE AT 145
RASH BIHARI AVENUE
KOLKATA - 700029.

2: SRI RADHEY SHYAM TIWARY
SON OF LATE SIYA RAM TIWARY
RESIDENT OF 39
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P.O. BORO BEHERA
DISTRICT- HOOGLI

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VERSUS

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REPRESENTED BY THE DEPUTY COMMISSIONER
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5:THE ASSISTANT PROVIDENT FUND COMMISSIONER
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SRI PRAMOD KUMAR SARMA
LAXMI KANTAM TEA AND TRADING CO.
NAZIRPATTY

P.0. SILCHAR
PIN- 788001
ASSAM
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Advocate for : SANTANU PARASHAR
Advocate for : appearing for THE STATE OF ASSAM

**-BEFORE-**

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

**06.11.2026**
(K. Goswami, J)

We have heard Mr. S. Parashar, learned Advocate for the applicants; Ms. U. Sharma, learned Junior Government Advocate, Assam for the respondent Nos. 1 to 3; Mr. J. Borah, learned Advocate for the respondent Nos. 4 to 6 and Mr. A. A. Mir, learned Advocate for the respondent No. 7.

**2.** By way of this interlocutory application filed under Section 5 of the Limitation Act, 1963, the applicants seek condonation of delay of 156 days in preferring the connected appeal against the common judgment and order dated 02.12.2025, passed by a learned Single Judge of this Court in WP(C) No.3735/2017 and WP(C) No.7827/2016.

**3.** The learned Advocate appearing for the applicants submits that the delay in preferring the appeal was occasioned by the time taken in obtaining the certified copy of the judgment and order and retrieving the relevant case records from the learned counsel previously engaged in the writ petitions, which were received by the applicants only in March, 2026. Thereafter, the records were scrutinized by the legal counsel of the

applicant company based in West Bengal and deliberations were undertaken regarding the merits of the proposed appeal and engagement of counsel before this Court. It is further submitted that the geographical distance between West Bengal and Assam and the time involved in *inter se* communication, consultation and engagement of a new counsel also contributed to the delay. It is accordingly submitted that the delay was neither deliberate nor intentional but occasioned by *bona fide* procedural requirements and circumstances beyond their control.

**4.** *Per contra*, learned Advocates appearing for the respondents objected to the condonation of delay on the ground of the same being not sufficiently explained.

**5.** Having considered the averments made in the interlocutory application and the explanation furnished by the applicants, we are of the considered opinion that the reasons assigned by the applicants for the delay in preferring the appeal, particularly the time taken in obtaining the relevant case records from the earlier engaged counsel, scrutiny of the records by the legal team of the applicant company at West Bengal and subsequent consultation and engagement of counsel at Guwahati, are *bona fide* and reasonable. The delay does not appear to be deliberate or intentional but is sufficiently explained by the circumstances stated. Accordingly, we are satisfied that the applicants have shown sufficient cause for the delay.

**6.** Resultantly, in the interest of justice, the delay of 156 days in filing

the connected appeal is hereby condoned.

**7.** The interlocutory application stands allowed and disposed off.

**8.** Registry to process the connected appeal and list the same on **25.01.2027**, under the appropriate heading.

**JUDGE** **CHIEF JUSTICE**

**Comparing Assistant**