

GAHC010058822024



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

Case No. : I.A.(Civil)/927/2024

AUNTYS CREATION

REP. BY ITS PROPRIETOR, SRI NARENDRA JAIN, S/O- SRI SHANKARLAL JAIN, AGED ABOUT- 49 YEARS, OFFICE SITUATED AT-2ND FLOOR, VINAYAK PLAZA, KAMARPATTY, FANCY BAZAAR, GUWAHATI- 781001

VERSUS

THE UNION OF INDIA AND 4 ORS

REP. BY ITS UNDER SECRETARY, MINISTRY OF TEXTILES, GOVT. OF INDIA, UDYOG BHAWAN, R.NO.- 130, A- WING, RAFI MARG, NEW DELHI- 110011

2:THE STATE OF ASSAM

REP. BY THE SECRETARY TO THE GOVT. OF ASSAM .HANDLOOM TEXTILES AND SERICULTURE DEPT. DISPUR GUWAHATI 06

3:THE DIRECTORATE OF HANDLOOM AND TEXTILES

GOVT. OF ASSAM

REP. BY ITS DIRECTOR

VASTRA BHAWAN

GNB ROAD

AMBARI

GUWAHATI- 781001

ASSAM

4:THE ASSTT. DIRECTOR

DEPTT. OF HANDLOOM AND TEXTILE

KAMRUP

GNB ROAD

AMBARI

GUWAHATI- 781001

ASSAM

5:THE DEPUTY COMMISSIONER
KAMRUP
GUWAHATI

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : SC, C.G.C.

Linked Case : WA/289/2023

STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILE AND SERICULTURE DEPARTMENT DISPUR-781006
ASSAM

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.

4: i/c ASSISTANT DIRECTOR
DEPARTMENT OF HANDLOOM AND TEXTILES
LAKHIMPUR
787032
ASSAM
VERSUS

M S R CHOUDHARY
REPRESENTED BY ITS PROPRIETOR SRI RAVI CHOUDHURY
SON OF LATE PAWAN KUMAR CHOUDHURY
OFFICE SITUATED AT
3880
G.H.S. S ROAD

NORTH LAKHIMPUR
LAKHIMPUR
ASSAM 787001

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : SR. GA
ASSAM
Advocate for : DY.S.G.I. appearing for M S R CHOUDHARY

Linked Case : WA/300/2023

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPARTMENT
DISPUR
GUWAHATI- 6.

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.

4: ENFORCEMENT SQUAD
NAGAON DISTRICT
OFFICE OF THE ASSISTANT DIRECTOR
HANDLOOM AND TEXTILES
NAGAON
M./G. ROAD

NEAR POWERHOUSE TINIALI
NAGAON
ASSAM- 782001.
VERSUS

MEM SAAB AND 2 ORS.
REP. BY ITS PROPRIATOR
SRI MAN YADAV
ABOUT 48 YEARS
OFFICE SITUATED AT SURABHI MARKET
A.T. ROAD
JAKHALABANDHA
NH37
ASSAM- 782136.

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH
Advocate for : MR. D K DAS appearing for MEM SAAB AND 2 ORS.

Linked Case : WA/284/2023

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPTT.
DISPUR
GUWAHATI- 6.

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.
VERSUS

JAGADAMBA TEXTILE
REP. BY ITS PROPRIETOR
SRI RAVI BUCHA
S/O ANUP CHAND
BUCHA
AGED ABOUT 38 YEARS
OFFICE SITUATED AT BEE GEE MARKET
SRCB ROAD
FANCY BAZAAR
GUWAHATI- 781001.

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH
Advocate for : DYS.G.I. appearing for JAGADAMBA TEXTILE

Linked Case : WA/292/2023

STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILE AND SERICULTURE DEPARTMENT DISPUR-781006
ASSAM

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.
VERSUS

S VINAYAK TEXTILE
A PRORIETORSHIP CONCERN
REPRESENTED BY ITS PROPRIETOR SRI PRAHLAD MUNDHRA
AGED ABOUT 44 YEARS
OFFICE SITUATED AT SHOP NO. 8 9 10 1ST FLOOR TALAB MARKET SRCB
ROAD FANCY BAZAR GUWAHATI

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES

GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG

NEW DELHI- 110011.

3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : SR. GA
ASSAM

Advocate for : DYS.G.I. appearing for S VINAYAK TEXTILE

Linked Case : WA/291/2023

STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILE AND SERICULTURE DEPARTMENT DISPUR-781006
ASSAM

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.

4: ASSISTANT DIRECTOR
DEPARTMENT OF HANDLOOM AND TEXTILES
DARRANG
MANGALDAI 784125
VERSUS

LOKNATH FABRICS
REPRESENTED BY ITS PROPRIETOR SRI GOPAL CH. SAHA
S/O LATE CHITTARANJAN SAHA
OFFICE SITUATEE AT WARD NO.3 BAZAR ROAD MANGALDOI DARRANG

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH
Advocate for : DYS.G.I. appearing for LOKNATH FABRICS

Linked Case : WA/301/2023

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPARTMENT
DISPUR
GUWAHATI- 6.

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.

VERSUS

SAMRATH TEXTILE AND 2 ORS.
REP. BY ONE OF ITS PARTNER
SRI TARUN PINCHA
AGED ABOUT 36 YEARS
OFFICE SITUATED AT 2ND FLOOR
ELAHI COMPLEX
SRCB ROAD
GUWAHATI
KAMRUP (M)
GUWAHATI- 781001
ASSAM.

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH
Advocate for : MR. D K DAS appearing for SAMRATH TEXTILE AND 2 ORS.

Linked Case : WA/288/2023

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILE AND SERICULTURE DEPARTMENT
DISPUR-781006
ASSAM

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES

KAMRUP
GUWAHATI.
VERSUS

GOENKA SYNTHETICS
A PROPRIETORSHIP CONCERN
REPRESENTED BY ITS PROPRIETOR
SRI NARESH KUMAR GOENKA
AGED ABOUT 53 YEARS
OFFICE SITUATED AT SHOP NO. 7A
MANI BAZAR
SRCB ROAD
FANCY BAZAR
GUWAHATI
KAMRUP (M)
GUWAHATI-781001
ASSAM

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : SR. GA
ASSAM
Advocate for : DYS.G.I. appearing for GOENKA SYNTHETICS

Linked Case : WA/299/2023

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPARTMENT
DISPUR
GUWAHATI- 6.

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD

AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.

4: SUPERINTENDENT
DEPTT. OF HANDLOOM AND TEXTILES
TINSUKIA- 786125
ASSAM.
VERSUS

SINGHAL TEXTILES AND 2 ORS.
REP. BY ITS PROPREITOR
SRI BIJENDRA KUMAR AGARWAL
AGED ABOUT 48 YEARS
OFFICE SITUATED AT GROUND FLOOR
KAHITAN MARKET
A.T. ROAD
TINSUKIA
ASSAM- 786125.

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH
Advocate for : MR. D K DAS appearing for SINGHAL TEXTILES AND 2 ORS.

Linked Case : WA/295/2023

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPARTMENT
DISPUR
GUWAHATI- 6.

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.
VERSUS

BUWARI SILK HOUSE AND ORS.
REP. BY ITS PROPRIETOR
SRI SUSHIL BHUAN
AGED ABOUT YEARS
OFFICE SITUATED AT 18107
GHSS ROAD
NORTH LAKHIMPUR- 787001.

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH
Advocate for : MR. D K DAS appearing for BUWARI SILK HOUSE AND ORS.

Linked Case : WA/294/2023

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPARTMENT
DISPUR
GUWAHATI- 6.

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM

REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.
VERSUS

SETHI SAREES
(A UNIT OF SANKALP SAAKAR ENTERPRISES PVT. LTD.) REP. BY ITS
DIRECTOR
SRI ANANYA SETHI
AGED ABOUT 32 YEARS
OFFICE SITUATED AT
1ST FLOOR
TRADE HOUSE
SRCB ROAD
GUWAHATI- 781001
ASSAM.

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH
Advocate for : DY.S.G.I. appearing for SETHI SAREES

Linked Case : WA/297/2023

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPARTMENT
DISPUR
GUWAHATI- 6.

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.
VERSUS

DIGH BANI AND 2 ORS.
PROPRIETOR- SANJAY GAROSIA (HUF)
REP. BY ITS KARTA OR MANAGER SRI SANJAY KUMAR GARODIA
AGED ABOUT 51 YEARS
OFFICE SITUATED AT 1ST FLOOR
KESHAV KATRA
SS ROAD
FANCY BAZAR
GUWAHATI
KAMRUP (M)
GUWAHATI- 781001.

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.

3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH

Advocate for : MR D K DAS (r-1) appearing for DIGH BANI AND 2 ORS.

Linked Case : WA/298/2023

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILES AND SERICULTURE DEPARTMENT
DISPUR

GUWAHATI- 6.

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.
VERSUS

NISHANT ENTERPRISE AND 2 ORS.
REP. BY ONE OF ITS PARTNERS
SRI SUBHAM BOTHRA
S/O SRI PRADIP BOTHRA
AGED ABOUT 29 YEARS

OFFICE SITUATED AT 1ST FLOOR
SRCB
ELAHI COMPLEX
FANCY BAZAAR
GUWAHATI- 781001.

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.

3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : MR. D NATH

Advocate for : MR. D K DAS appearing for NISHANT ENTERPRISE AND 2 ORS.

Linked Case : WA/293/2023

STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM

HANDLOOM TEXTILE AND SERICULTURE DEPARTMENT DISPUR-781006
ASSAM

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.
VERSUS

HEERA COLLECTION
REPRESENTED BY ITS AUTHORISED PARTNER
SRI RAHUL KUMAR PINCHA
AGED ABOUT 35 YEARS
OFFICE SITUATED AT KHUSHBOO
GROUND FLOOR
GM TOWER
MS ROAD
FANCY BAZAR
GUWAHATI-01

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.

3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : SR. GA
ASSAM

Advocate for : DY.S.G.I. appearing for HEERA COLLECTION

Linked Case : WA/290/2023

STATE OF ASSAM AND ORS

REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HANDLOOM TEXTILE AND SERICULTURE DEPARTMENT DISPUR-781006
ASSAM

2: THE DIRECTORATE OF HANDLOOM AND TEXTILES
GOVT. OF ASSAM
REP. BY ITS DIRECTOR
VASTRA BHAWAN
GNB ROAD
AMBARI
GUWAHATI- 781001
ASSAM.

3: THE ASSISTANT DIRECTOR OF HANDLOOM AND TEXTILES
KAMRUP
GUWAHATI.
VERSUS

KESHAV TEXTILE
A PROPRIETORSHIP CONCERN
REPRESENTED BY ITS PROPRIETOR SRI SURESH KUMAR SHARMA
AGED ABOUT 49 YEARS
OFFICE SITUATED AT
GROUND FLOOR
B 16
BEE GEE MARKET SRCB ROAD FANCY BAZAR GUWAHATI

2:THE UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF TEXTILES
GOVT. OF INDIA
UDYOG BHAWAN
R.NO. 130 A-WING
RAFI MARG
NEW DELHI- 110011.
3:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

Advocate for : SR. GA
ASSAM
Advocate for : DY.S.G.I. appearing for KESHAV TEXTILE

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 01/04/2024

Vijay Bishnoi, CJ

Heard Mr. D.K. Das, learned counsel appearing for the applicant/appellant. We have also heard Mr. D. Saikia, learned Advocate General, Assam, assisted by Mr. D. Nath, learned senior Government Advocate, Assam as well as Ms. A. Gayan, learned CGC, appearing for the respondents.

This IA (C) No. 927/2024 is filed on behalf of the respondents with a prayer for early hearing of the connected appeals.

It is noticed that on 27/02/2024, this Court has fixed the connected appeals for hearing in the month of August, 2024.

Hence, this IA (C) No. 927/2024 is disposed of with a direction to list the connected appeals for hearing on 07/08/2024.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant