

GAHC010042702021



WWW.LIVELAW.IN
THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1491/2021

INDIAN TEA ASSOCIATION AND 17 ORS
AN ASSOCIATION REGD. UNDER THE PROVISIONS OF THE WEST BENGAL
SOCIETIES REGISTRATION ACT, 1961, HAVING ITS HEAD OFFICE AT 6,
NETAJI SUBHAS ROAD, KOLKATA- 700001 AND HAVING AN ASSAM
BRANCH WITH ITS OFFICE AT 295, MOTHER TERESA ROAD, GHY-24, IN
THE DIST. OF KAMRUP (M), ASSAM, AND A SURMA VALLEY BRANCH
WITH ITS OFFICE AT CLUB ROAD, SILCHAR- 788001, IN THE DIST. OF
CACHAR, ASSAM, REP. BY ITS SECY., SHRI ABHIJIT SARMA, R/O- 295,
MOTHER TERESA ROAD, GHY-24, IN THE DIST. OF KAMRUP (M), ASSAM

2: WARREN TEA LTD.

AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT JOHAR BUILDING

P-1

HIDE LANE

8TH FLOOR

KOLKATA- 700073

REP. BY ITS AUTHORISED SIGNATORY MS SOMA CHAKRABORTY

3: GOODRICKE GROUP LTD.

AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT CAMELLIA HOUSE

14

GURUSADAY ROAD

KOLKATA- 700019

REP. BY ITS AUTHORISED SIGNATORY MR ATUL ASTHANA

4: DHUNSERI TEA AND INDUSTRIES LTD.

AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT DHUNSERI HOUSE

4A

WOODBURN PARK

KOLKATA- 700020

REP. BY ITS AUTHORISED SIGNATORY MR CHANDRA KUMAR DHANUKA

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5: JOONKTOLLEE TEA AND INDUSTRIES LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT 21
STRAND ROAD
KOLKATA- 700001
REP. BY ITS AUTHORISED SIGNATORY MR HEMANT BANGUR

6: MCLEOD RUSSEL INDIA LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT 4
MANGOE LANE
SURENDRA MOHAN GHOSH SARANI
KOLKATA- 700001
REP. BY ITS AUTHORISED SIGNATORY MR PRADIP BHAR

7: AMALGAMATED PLANTATIONS PVT. LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT 1
BISHOP LEFROY ROAD
KOLKATA- 700001
REP. BY ITS AUTHORISED SIGNATORY MR VIKRAM SINGH GULIA

8: APEEJAY TEA LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT APEEJAY HOUSE
15
PARK STREET
KOLKATA- 700016
REP. BY ITS AUTHORISED SIGNATORY MR RAJEEV TAKRU

9: DHOLAI TEA CO. PVT. LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT CHATTERJEE INTERNATIONAL
CENTRE 33A
JARA HARLAL NEHRU ROAD
15TH FLOOR
FLAT NO. 10
KOLKATA- 700071
REP. BY ITS AUTHORISED SIGNATORY MR PRADIP TUSNIAL

10: BISSESWARLALL MANNALAL AND SONS
HAVING ITS PRINCIPAL PLACE OF BUSINESS AT 12
PRETORIA STREET
5TH FLOOR
KOLKATA- 700071
REP. BY ITS AUTHORISED SIGNATORY MR. SANJAY BHUWALKA

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11: PARRY AGRO INDUSTRIES LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT PARRY HOUSE
5TH FLOOR
43
MOORE STREET
CHENNAI- 600001
KOLKATA- 700001
REP. BY ITS AUTHORISED SIGNATORY MR BHUPENDRA SINGH DEORA

12: THE BORMAH JAN TEA CO. (1936) LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT MCLEOD HOUSE
3
NETAJI SUBHAS ROAD
KOLKATA- 700001
REP. BY ITS AUTHORISED SIGNATORY MR JAYANT MAZUMDAR

13: LUXMI TEA COMPANY PVT. LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT KISHORE BHAWAN
17
R.N.MUKHERJEE ROAD
KOLKATA- 700001
REP. BY ITS AUTHORISED SIGNATORY SMTI. ABHA BAFNA

14: DARSHANLAL ANAND PRASASH AND SONS PVT. LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT NILHAT HOUSE
11
R.N. MUKHERJEE ROAD
6TH FLOOR
KOLKATA- 700001
REP. BY ITS AUTHORISED SIGNATORY MR ALOKE KUMAR ROY

15: JOREHAUT GROUP LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT DIMPLE COURT
26
SHAKESPEARE SARANI
KOLKATA- 700017
REP. BY ITS AUTHORISED SIGNATORY MR MICHAEL VINCENT GOMES

16: JAY SHREE TEA AND INDUSTRIES LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT INDUSTRY HOUSE
15TH FLOOR
10

CAMAC STREET
KOLKATA- 700017 WWW.LIVELAW.IN
REP. BY ITS AUTHORISED SIGNATORY MR HARISH CHANDRA MALPANI

17: PULSAR COMMERCE PVT. LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT CHATTERJEE INTERNATIONAL
CENTRE 33A
JAWAHARLAL NEHRU ROAD
11TH FLOOR
FLAT NO. 10
KOLKATA- 700071
REP. BY ITS AUTHORISED SIGNATORY MR RAMESH KUMAR TUSNIAL

18: KANCO TEA AND INDUSTRIES LTD.
AN EXISTING COMPANY WITHIN THE MEANING OF THE COMPANIES ACT
2013 AND HAVING ITS REGD. OFFICE AT JASMINE TOWER
3RD FLOOR
31
SHAKESPEARE SARANI
KOLKATA- 700017
REP. BY ITS AUTHORISED SIGNATORY MR UMESH KUMAR SING

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, LABOUR AND
EMPLOYMENT DEPTT., LABOUR (RC) BRANCH, ASSAM SACHIBALAYA,
DISPUR, GHY-06, ASSAM

2:MINIMUM WAGES ADVISORY BOARD FOR PLANTATION WORKERS
AN ADVISORY BOARD CONSTITUTED PURPORTEDLY UNDER SECTION 7
OF THE MINIMUM WAGES ACT
1948 BY A NOTIFICATION DATED 2ND JULY
2020
REP. BY ITS CHAIRMAN HAVING HIS OFFICE AT DISPUR
GHY-06
IN THE DIST. OF KAMRUP (M)
ASSAM

3:THE LABOUR COMMISSIONER
ASSAM
HAVING ITS OFFICE AT GOPINATH NAGAR
GHY-16
IN THE DIST. OF KAMRUP (M)
ASSAM

4:THE ASSAM CHAH MAZDOOR SANGHA

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A REGD. BODY OF TRADE UNION HAVING ITS CENTRAL OFFICE AT JIBON
PHUKAN NAGAR
P.O.- CENTRAL REVENUE BUILDING
IN THE DIST. OF DIBRUGARH
ASSAM
PIN- 786003
REP. BY ITS GENERAL SECRETARY

5:BARAK CHAH SRAMIK UNION
A REGD BODY OF TRADE UNION HAVING ITS CENTRAL OFFICE AT
SADARGHAT ROAD
SILCHAR
IN THE DIST. OF CACHAR
ASSAM
REP. BY ITS GENERAL SECRETAR

Advocate for the Petitioner : MR. P K GOSWAMI

Advocate for the Respondent : SR. GA, ASSAM

Linked Case : WP(C)/1602/2021

ASSAM TEA PLANTERS ASSOCIATION AND ANR
AN ASSOCIATION REGD. UNDER THE PROVISIONS OF THE SOCIETIES
REGISTRATION ACT
1860
HAVING ITS PRINCIPAL PLACE OF BUSINESS AT A. T. ROAD
TARAJAN
DIST. JORHAT
ASSAM
PIN-785001.

2: ANJAN BHUYAN

S/O. LT. DR. U.N. BHUYAN
SECRETARY OF THE PETITIONER NO.1 ASSOCIATION AND RESIDENT OF
CLUB ROAD
JORHAT-781024
DIST. JORHAT
ASSAM.
VERSUS

THE STATE OF ASSAM AND 3 ORS

WWW.LIVELAW.IN

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
LABOUR AND EMPLOYMENT DEPTT.
LABOUR (RC) BRANCH
ASSAM SACHIBALAYA
DISPUR
GUWAHATI-781006
ASSAM.

2:MINIMUM WAGES ADVISORY BOARD FOR PLANTATION WORKERS
AN ADVISORY BOARD CONSTITUTED PURPORTEDLY UNDER SECTION 7
OF THE MINIMUM WAGES ACT
1948 BY A NOTIFICATION DT. 2ND JULY
2020

REP. BY ITS CHAIRMAN HAVING HIS OFFICE AT DISPUR
GUWAHATI-781006
DIST. KAMRUP (M)
ASSAM.

3:THE LABOUR COMMISSIONER

ASSAM
HAVING ITS OFFICE AT GOPINATH NAGAR
GUWAHATI-781016
DIST. KAMRUP (M)
ASSAM.

4:THE ASSAM CHAH MAZDOOR SANGHA
A REGD. BODY OF TRADE UNION HAVING ITS CENTRAL OFFICE AT JOBON
PHUKAN NAGAR
P.O. CENTRAL REVENUE BUILDING
DIST. DIBRUGARH
ASSAM
PIN-786003
REP. BY ITS GENERAL SECRETARY.

Advocate for : MR. D BARUAH

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/1648/2021

TEA ASSOCIATION OF INDIA AND 12 ORS
AN ASSOCIATION HAVING ITS HEAD OFFICE AT INDIA EXCHANGE
4 MAHARANA PRATAP SARANI
7TH FLOOR (INDIA EXCHANGE PLACE)
KOLKATA- 700001
WEST BENGAL
REP. BY ITS SECY. GENERAL

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SHRI PRABIR KUMAR BHATTACHARJEE
R/O T-63/IJ
DR. SURESH CHANDRA BANERJEE ROAD
KOLKATA- 700001
WEST BENGAL

2: RYDAK SYNDICATE LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT 4
DR. RAJENDRA PRASAD SARANI
KOLKATA- 700001
WEST BENGAL
REP. BY ITS AUTHORISED SIGNATORY MR. RAJVINDER SINGH
WHOLE TIME DIRECTOR

3: B AND A LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT INDU BHAWAN
MAHATMA GANDHI ROAD
JORHAT
ASSAM- 785001
REP. BY ITS AUTHORISED SIGNATORY MR. PARTHA MUKHERJIE
GENERAL MANAGER
LEGAL ND TAZXATION

4: CINNATOLLIAH TEA LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT P.O. HARGAON
SITAPUR
UTTAR PRADESH- 261121
REP. BY ITS AUTHORISED SIGNATORY MR. SANTOSH KUMAR PODDAR
MANAGING DIRECTOR

5: NIDHI PACKERS PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT 41
B.B.GANGULY STREET
CENTRAL PLAZA
4TH FLOOR
UNIT NO. D8
KOLKATA- 700012
WEST BENGAL
REP. BY ITS AUTHORISED SIGNATORY MR. NIRMAL KUMAR BAJAJ
DIRECTOR

6: MOKALBARI KANOI TEA ESTATES (P) LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT 304 AND 305

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SIKKIM COMMERCE HOUSE 4/1
MIDDLETON STREET
3RD FLOOR
KOLKATA- 700071
WEST BENGAL
REP. BY ITS AUTHORISED SIGNATORY MR. AJAY JALAN
DIRECTOR

7: RUTTONPORE PLANTATIONS PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT CONTINENTAL CHAMBER
4TH FLOOR
15A
HEMANTA BABU SARANI
KOLKATA- 700001
WEST BENGAL
REP. BY ITS AUTHORISED SIGNATORY MR. DEVENDRA KUMAR MANTRI
DIRECTOR

8: DMG AGRO PRODUCTS PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT CONTINENTAL CHAMBER
4TH FLOOR
15A
HEMANTA BABU SARANI
KOLKATA- 700001
WEST BENGAL
REP. BY ITS AUTHORISED SIGNATORY MR. DEVENDRA KUMAR MANTRI
DIRECTOR

9: MANTRI TEA COMPANY PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT CONTINENTAL CHAMBER
4TH FLOOR
15A
HEMANTA BABU SARANI
KOLKATA- 700001
WEST BENGAL
REP. BY ITS AUTHORISED SIGNATORY MR. DEVENDRA KUMAR MANTRI
DIRECTOR

10: DERBY PLANTATIONS PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT CONTINENTAL CHAMBER
4TH FLOOR
15A
HEMANTA BABU SARANI
KOLKATA- 700001

WEST BENGAL WWW.LIVELAW.IN
REP. BY ITS AUTHORISED SIGNATORY MR. DEVENDRA KUMAR MANTRI
DIRECTOR

11: BOROJALINGAH TEA COMPANY
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT 12
INDIA EXCHANGE PLACE
KOLKATA- 700001
WEST BENGAL
REP. BY ITS AUTHORISED SIGNATORY MR. SUNIL JAIN
DIRECTOR

12: BHUBRIGHAT TEA CO. PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT 12
LORD SINHA ROAD
6D SHYAM KUNJ
KOLKATA- 700071
WEST BENGAL
REP. BY ITS AUTHORISED SIGNATORY MR. SHEO SHANKAR
BAGARIA
DIRECTOR

13: RIVER VALLEY TEA COMPANY PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT THANA ROAD
P.O. AND P.S. TINSUKIA
PIN- 786125
IN THE DIST. OF TINSUKIA
ASSAM
REP. BY ITS AUTHORISED SIGNATORY MR. MAHENDRA KUMAR
AGARWALLA
DIRECTOR
VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
LABOUR AND EMPLOYMENT DEPTT.
LABOUR (RC) BRANCH
ASSAM SACHIBALAYA
DISPUR
GHY-06
ASSAM

2: MINIMUM WAGES ADVISORY BOARD FOR PLANTATION WORKERS
AN ADVISORY BOARD CONSTITUTED PURPORTEDLY UNDER SECTION 7
OF THE MINIMUM WAGES ACT

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1948 BY A NOTIFICATION DATED 2ND JULY
2020

REP. BY ITS CHAIRMAN HAVING HIS OFFICE AT DISPUR
GHY-06

IN THE DIST. OF KAMRUP (M)
ASSAM

3:THE LABOUR COMMISSIONER
ASSAM

HAVING ITS OFFICE AT GOPINATH NAGAR
GHY-16

IN THE DIST. OF KAMRUP (M)
ASSAM

4:THE ASSAM CHAH MAZDOOR SANGHA

A REGD. BODY OF TRADE UNION HAVING ITS CENTRAL OFFICE AT JIBON
PHUKAN NAGAR

P.O.- CENTRAL REVENUE BUILDING
IN THE DIST. OF DIBRUGARH

ASSAM

PIN- 786003

REP. BY ITS GENERAL SECRETARY

5:BARAK CHAH SRAMIK UNION

A REGD BODY OF TRADE UNION HAVING ITS CENTRAL OFFICE AT
SADARGHAT ROAD

SILCHAR

IN THE DIST. OF CACHAR

ASSAM

REP. BY ITS GENERAL SECRETARY

Advocate for : MR. D BARUAH

Advocate for : SR. GA

ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

16.03.2021

Heard Mr. P.K. Goswami, learned senior counsel for the petitioners in WP(C) 1491/2021 assisted by Mr. D. Baruah, learned counsel. Mr. Goswami submits that the impugned Notification dated 23.02.2021, issued by the Principal Secretary, Government of Assam, Labour Welfare Department, enhancing the minimum wage by an interim amount of Rs. 50 per day w.e.f. 22.02.2021 till finalization of revised minimum wages, in terms of the State Amendment to Section 5(1)(a) of the

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Minimum Wages Act, 1948, is illegal, inasmuch as, no Committee/Sub-Committees have been formed as required under Section 5(1)(a) and Section 9 of the Minimum Wages Act, 1948.

Issue Notice returnable in 3 (three) weeks.

Mr. D. Nath, learned counsel accepts notice on behalf of the State respondents. Mr. J. Roy, learned counsel accepts notice for the respondent no.3 in all the cases.

Accordingly on the prayer of Mr. D. Saikia, learned senior counsel, 3 (three) weeks' time is granted to file affidavit-in-opposition.

Petitioners in all the cases shall take steps for service of notice upon the respondent nos.4 and 5 by registered post with AD within 2 (two) days.

The interim order passed on 08.03.2021 in WP(C) No.1491/2021 shall continue until further orders.

The question of maintainability of the writ petitions will remain open.

Further after hearing the parties, this Court is of the view that liberty should be given to the petitioners to pay to the workmen any interim enhancement of their wages as they deem proper, till the issue is finally decided by this Court.

In respect of WP(C) 1602/2021 and WP(C) 1648/2021, no coercive will be taken by the respondents in respect of the Notification dated 23.02.2021 passed by the Principal Secretary to the Government of Assam, Labour Welfare Department (Annexure-S) in both the writ petitions.

List all the matters on 23.04.2021.

JUDGE

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Comparing Assistant