

GAHC010203072024



2026:GAU-AS:10033

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

Case No. : WP(C)/5063/2024

CACHAR PAPER PROJECT WORKERS AND EMPLOYEES UNION AND 3
ORS.

REPRESENTED BY ITS GENERAL SECRETARY,
SHRI AZIZUR RAHMAN MAZUMDER, AGE 57 YEARS,
HINDUSTAN PAPER CORPORATION LIMITED,
P.O.- PANCHGRAM,
DISTRICT- HAILAKANDI, ASSAM,
PIN- 788802.

2: AZIZUR RAHMAN MAZUMDER
SENIOR ASSISTANT
ERSTWHILE HINDUSTAN PAPER CORPORATION LIMITED

CACHAR PAPER MILL

P.O.- PANCHGRAM
DISTRICT- HAILAKANDI

ASSAM
PIN- 788802.

3: CACHAR PAPER MILL MAZDOOR SANGH (BMS)
REPRESENTED BY ITS PRESIDENT
SHRI UTPAL DUTTA CHOUDHURY

HINDUSTAN PAPER CORPORATION LIMITED

P.O.- PANCHGRAM
DISTRICT- HAILAKANDI

ASSAM
PIN- 788802.

4: UTPAL DUTTA CHOUDHURY

SENIOR ASSISTANT
ERSTWHILE HINDUSTAN PAPER CORPORATION LIMITED

CACHAR PAPER MILL

P.O.- PANCHGRAM
DISTRICT- HAILAKANDI

ASSAM
PIN- 788802

VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES,
DEPARTMENT OF HEAVY INDUSTRY,
UDYOG BHAWAN, NEW DELHI-110011.

2:THE STATE OF ASSAM
REPRESENTED BY ITS CHIEF SECRETARY

ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006

ASSAM.

3:THE SECRETARY
DEPARTMENT OF INDUSTRIES
COMMERCE AND PUBLIC ENTERPRISE

ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006
ASSAM.

4:ASSAM INSUSTIRAL DEVELOPMENT CORPORATION LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR

HAVING ITS OFFICE AT R.G. BARUAH ROAD

GUWAHATI- 781024
ASSAM.

5:THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION

MINISTRY OF LABOUR AND EMPLOYMENT

GOVT. OF INDIA
REGIONAL OFFICE

44 PARK STREET
KOLKATA- 700016
WEST BENGAL.

6:THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION

REGIONAL OFFICE
N.E. REGION

GS ROAD
BHANGAGARH
GUWAHATI- 781005

ASSAM.

7:KULDEEP VERMA
LIQUIDATOR OF HINDUSTAN PAPER CORPORATION LIMITED

46
B.B. GANGULY STREET
5TH FLOOR

UNIT 501
KOLKATA- 700012
WEST BENGAL

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. D. Das, Advocate

For the Respondent(s) : Mr. P.K. Roy, Sr. Advocate
Ms. A. Gayan, CGC
Ms. U. Das, Addl. Sr. Govt. Advocate
Mr. A. Kakati, Standing Counsel
Mr. P. Choudhury, Advocate
Ms. A. Chakraborty, Advocate

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **21.07.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. D. Das, the learned counsel appearing on behalf of the petitioners. Ms. A. Gayan, the learned CGC appears on behalf of the respondent No. 1; Ms. U. Das, the learned Additional Senior Government Advocate appears on behalf of the respondent Nos. 2 and 3; Mr. A. Kakati, the learned Standing Counsel appears on behalf of the respondent No. 4; Mr. P.K. Roy, the learned Senior Counsel assisted by Ms. A. Chakraborty, the learned counsel appears on behalf of the respondent Nos. 5 and 6; and Mr. P. Choudhury, the learned counsel appears on behalf of the respondent No. 7.

2. The petitioner No. 1 claims to be a trade union in the name and style of Cachar Paper Project Workers and Employees Union. The petitioner No. 3 also claims to be another organization, namely Cachar Paper Mill Mazdoor Sangh. Both the petitioner Nos. 1 and 3

claims to be trade unions. However, nothing has been placed on record to show that the petitioner Nos. 1 and 3 are registered trade unions or that they have been issued certificates of registration. The petitioners further claim that their members were employees of one of the paper mills belonging to a company by the name of Hindustan Paper Corporation Limited (for short, "HPCL").

3. This Court takes note of from the materials on record that the said HPCL has gone into liquidation. The grievance sought to be espoused by the petitioner Nos. 1 and 3 on behalf of the workers and employees of the Cachar Paper Mill is that a humanitarian crisis has arisen on account of the non-payment of provident fund, gratuity, and other dues and as such, this Court, taking into account Article 21 of the Constitution of India, direct the respondent No. 1 to make payment of the provident fund and other dues pending adjudication by the authorities under the Insolvency and Bankruptcy Code, 2016.

4. This Court has duly taken note of the affidavit filed by the respondent No. 7. From the said affidavit, it appears that the respondent No. 7 is the Official Liquidator of the company, namely HPCL, which is under liquidation. In the said affidavit filed on 19.06.2025, it has been categorically mentioned that the issues

raised in the present writ petition have also been raised in another writ petition, being WP(C) No. 1062/2020, pending before the learned Delhi High Court, filed by another union in the name and style of Cachar Paper Projects Workers Union. It is also mentioned in the said affidavit that as on the date of filing of the affidavit, an amount of Rs. 213,18,14,728/- had already been disbursed to the Employees' Provident Fund Organization. In addition to that, an amount of Rs. 79,51,60,919/- had already been paid towards arrear of wages in terms with Section 53 of the Insolvency and Bankruptcy Code, 2016. It was also stated that an amount of Rs. 359,13,97,613/- has been disbursed amongst all the employees by the State of Assam through AIDC. In other words, the employees of HPCL, which is under liquidation, have already received a total sum of Rs. 651,83,73,260/-. This aspect is not disputed by the petitioners.

5. This Court also takes note of that pursuant to the orders passed by the learned NCLT, New Delhi, and the appellate orders passed by the learned NCLAT, the learned NCLT, New Delhi is presently in session of the additional claims raised by the Employees' Provident Fund Organization.

6. This Court further takes note of that the Insolvency and

Bankruptcy Code, 2016 is a self-contained Code and it provides various procedures and the issue which is being raised by the petitioners herein is presently under adjudication before the authorities under the Insolvency and Bankruptcy Code, 2016.

7. The learned counsel for the petitioners, however, submitted that, in view of the humanitarian crisis, the amount claimed by the Employees' Provident Fund Organization should be disbursed by the respondent No. 1, with liberty to the respondent No. 1 to recover the said amount from the Employees' Provident Fund Organisation upon its realization.

8. This Court would have considered the said prayer had it been a case where not a single penny had been paid to the employees, which is however, not the case as would be apparent from the observations noted hereinabove.

9. This Court also finds it relevant to observe that in the circumstance, this Court passes directions sought for by the petitioners, it would not only interfere with the proceedings presently pending before the learned NCLT, New Delhi, but would also be contrary to the provisions of the Insolvency and Bankruptcy Code, 2016.

10. Accordingly, this Court is not inclined to entertain the present writ petition, for which, the writ petition stands dismissed.

11. Before parting with the record, this Court makes it clear that the dismissal of the present writ petition is only on the ground that this Court is not inclined to entertain the same for the aforementioned reasons and the same shall not, in any manner, affect the rights of the petitioners to claim their dues, which is presently pending before the learned NCLT, New Delhi.

JUDGE

Comparing Assistant