

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**

**07.07.2015**

Mr. V.K. Jindal, learned senior counsel, assisted by Mr. S. Dey, learned counsel, appears for the petitioner.

Mr. Sibasish Sen, learned counsel, represents the respondents.

On due consideration of rival pleadings and submissions regarding the appointment of arbitrator, I am of the view that for both the arbitration matters, Justice Shri. D. Biswas, a retired judge of Gauhati High Court, who is said to be acting as arbitrator in a number of such matters can be appointed as the sole arbitrator with request to hold sitting at Shillong. The terms and conditions of appointment of Justice Shri. Biswas can be negotiated and settled with him by the learned counsel for parties within a period of 4 (four) weeks from the date of receiving a copy of this order. The records of these cases are stated to be presently lying with the Indian Council of Arbitration. Thus we direct the Council to transmit the same to Justice Shri. D. Biswas for early commencement of arbitration proceedings. As a result, the both Arbitration petitions namely; ARB.P. No. 1/2015 and ARB.P. No. 2/2015 are hereby disposed of.

**CHIEF JUSTICE**

*Sylvana*

BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE

**07.07.2015**

Mr. S. Deka, learned counsel, appears for the petitioner.

Mr. K. Paul, learned CGC, represents the respondents.

Mr. K. Paul, learned counsel for the Union of India, states that Union Home Secretary has sworn the affidavit on 29.06.2015 which has been filed on 30.06.2015. Vide paragraph 4, page 3, it is stated that the file has been processed and now it is before the department of Personnel & Training. The said paragraph reads as:

***"4. That it is respectfully and humbly submitted that your respondent after taking the charge as Secretary (Home) has acted promptly in complete deference with the directions contained in the said judgment and order of the Hon'ble Court. The issue of merger/upgradation of posts and thereafter amendment of RRs, needs to be considered by DoP&T, DoE (MoF), D/o Legal Affairs (DoLA), M/o Law & Justice (MoL&J) and their approvals are necessary for taking decision in the matter. In view of the above, the respondent may kindly be allowed some more time and the respondent assures the Hon'ble Court that the matter is being rigorously pursued with the DoP&T, DoE (MoF) and DoLA (MoL&J) and based on their views/approval, a final decision will be taken at the earliest."***

Besides, the Home Secretary has prayed for some more time while also informing that the matter is being vigorously pursued with the department of Personnel & Training. In that view of the matter, now nothing would survive in this contempt petition, hence, it is dismissed.

CHIEF JUSTICE

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE**

**07.07.2015**

Ms. A. Thangkhiew, learned counsel, appears for the petitioner.

Mr. K. Paul, learned counsel, represents the respondent.

Mr. K. Paul, learned counsel for the Union of India, states that in the Special Leave Petition filed against the impugned judgment, some further informations are required to be submitted before the Supreme Court, but no any interim order has been passed in this regard. Learned counsel for the petitioner, states that she does not have any instruction on this information. As the matter is to be listed after 4 (four) weeks in the Supreme Court, let this case be listed on 10.08.2015.

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE**

**07.07.2015**

Ms. A. Thangkhiew, learned counsel, appears for the petitioner.

Mr. K. Paul, learned counsel, represents the respondent.

Mr. K. Paul, learned counsel for the Union of India, states that in the Special Leave Petition filed against the impugned judgment, some further informations are required to be submitted before the Supreme Court, but no any interim order has been passed in this regard. Learned counsel for the petitioner, states that she does not have any instruction on this information. As the matter is to be listed after 4 (four) weeks in the Supreme Court, let this case be listed on 10.08.2015.

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE**

**07.07.2015**

Mr. A. Khan, learned counsel, appears for the petitioner.

Mr. S. Sen Gupta, learned GA, represents the State respondent.

Learned counsel, Ms. M.K. Sah for respondent No. 2, states that learned counsel on record Ms. T. Yangkyi is indisposed today. Thus, she prays for and is granted 2 (two) weeks' time to argue the case. List on 24.07.2015.

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE**

**07.07.2015**

Mr. R. Gurung, learned counsel, appears for the petitioner.

Mr. S. Sen Gupta, learned GA, represents the State respondent.

Learned counsel for the petitioner prays for and is granted 2 (two) weeks' time to file separate affidavit of the petitioner, list thereafter on 24.07.2015.

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE**

**07.07.2015**

Mr. S.P. Mahanta, learned senior counsel, assisted by Mr. H. Abraham, learned counsel, appears for the petitioner.

Ms. S. Bhattacharjee, learned GA, represents the State respondent.

As per Office report dated 02.07.2015, it appears that the notice has been sent by registered post with A.D. card. Await service report and list the matter after 2 (two) weeks on 24.07.2015.

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE**

**07.07.2015**

Mr. K. Paul, learned counsel, appears for the petitioner.

Mr. R. Gurung, learned GA, represents for the State respondent.

Mr. R. Pyngrope, learned counsel, is for respondent No. 2.

Learned counsel, Mr. K. Paul states that he has filed compilation of all the orders of National Green Tribunal (NGT) today itself. The same being not available on record, the Registry is directed to place it on record on the next date of hearing on 24.07.2015. List accordingly.

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE**

**07.07.2015**

Ms. Y. Shylla, learned counsel, appears for the petitioner.

Mr. S. Dey, learned counsel, represents the respondents.

Vide office report dated 26.06.2015, the petitioner has deposited Rs. 500/- (Rupees five hundred) towards the costs for restoration of criminal revision petition. Mr. S. Dey, learned counsel for the respondent, states that after dismissal of the matter in default and for want of prosecution, he had returned the file. Thus, now he needs some time to seek instructions, list on 24.07.2015.

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE**

**07.07.2015**

Mr. P. Upadhaya, learned counsel, appears for the petitioners.

Mr. N.D. Chullai, learned senior GA, assisted by Ms. N.G. Shylla, learned GA, represents the respondents.

This Criminal petition under Section 482 has been filed for quashing the summon order as well as FIR registered vide the Shillong Sadar Police Station Case No. 278(S)/2014 and also the G.R. Case No. 65(S)/2015 under Section 407 I.P.C. It appears that petitioner No. 1 is the Deputy General Manager of First-Flight Courier Service Ltd., North East Region and petitioner No. 2 is the Complainant/First Informant. The P.S. Case No. 278(8)/2014 was registered under Section 407 I.P.C. as per allegation in the FIR on 21.07.2014. It is stated that five packets of goods containing three sets of tables and chairs i.e. six chairs and three tables imported from Italy were booked through the First Flight Courier from Pune for delivery at M/S Baba Tourist Lodge, Shillong. However, the branch office of the courier service on 26.07.2014 delivered only three cartons and package No. 1 was completely damaged, whereas package No. 2 and No. 3 were found to be missing. Thus, petitioner No. 1 was issued summon under Section 41(A) of Cr.P.C. by the police asking him to appear in person before the Sadar Police Station, Shillong on 20.09.2014. The police recorded the statements of the petitioners while advising them to settle the matter amicably with the complainant. The petitioners also applied for anticipatory bail which was granted by the Chief Judicial Magistrate, Shillong on 15.10.2014. Thereafter they were also granted regular bail. The case arising out of the FIR (registered as G.R. Case No. 65(S)/2015) was fixed for appearance of the petitioners. Summon was also issued to surety of bail bonds.

I have heard learned counsel for parties and perused the pleadings of criminal petition. Learned counsel for the petitioners contends that the goods were never entrusted to them who were only the employees of the courier service. It is also a submission that the case is essentially civil in nature and if there is deficiency in service, the matter can be decided by the Consumer Forum. It is also the submission that the police has already put up the charge sheet after recording the statements of witnesses under Section 161 Cr.P.C. Learned senior GA, on the other hand contends that the petitioners' case is pre-matured and once charge sheet is put up by the police, the petitioners would get chance to place these arguments at the time of drawing of the charges.

At this stage, learned counsel for the petitioners does not want to press the case for the reason that in terms of submission of learned senior GA, he would get chance to place the arguments before the Trial Court. This Criminal petition is dismissed as withdrawn.

**CHIEF JUSTICE**

*Sylvana*