

GAHC010114722022



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

Case No. : I.A.(Civil)/1744/2022
In Cont.Cas(C) No. 515/2018

BRAHMAPUTRA UDYOG (PVT.) LTD.
A PVT LIMITED COMPANY REGD UNDER THE COMPANIES ACT, HAVING
ITS REGD OFFICE AT PANBAZAR, GUWAHATI- 781001

VERSUS

SIDDHARTH SINGH AND 4 ORS.
THE SECRETARY TO THE GOVT OF ASSAM, PUBLIC HEALTH
ENGINEERING DEPARTMENT, DISPUR, GUWAHATI- 781003

2:BIREN BHATTACHARYA
THE SECRETARY TO THE GOVT OF ASSAM
PHED
DISPUR
GUWAHATI- 781003

3:SAUMYA KUMAR BARUA
THE CHIEF ENGINEER
PHED
GOVT OF ASSAM
HENGRABARI
GHY- 03

4:LAWRENCE INTY
THE ADDITIONAL CHIEF ENGINEER
PHED
OFFICE OF THE CHIEF ENGINEER
PHED
HENGRABARI
GUWAHATI

5:TAPAN BORDOLOI
THE EXECUTIVE ENGINEER
PHE STORES AND WORKSHOP DIVISION
BETKUCHI
GUWAHAT

Advocate for the Petitioner : MS. S NEWAR

Advocate for the Respondent : MR. P N GOSWAMI

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

30-06-2022

Heard Shri D. Khan, learned counsel for the applicant.

The present application has been filed for revival of the connected contempt case No. 515/2018 which was disposed of by this Court vide order dated 13.05.2019.

While closing the contempt case vide the order dated 13.05.2019, this Court had recorded that the closure was account of the submissions made on behalf of the respondents that the order in question was complied with. This Court had further observed that if the petitioner had not received the amount which was submitting on behalf of the respondent, liberty was granted to revive the petition.

For ready reference, the order is quoted herein below:

*“Heard Mr. D. Khan, learned counsel for the petitioner.
It has been submitted by Mr. R.R. Gogoi, learned counsel for respondents that the money directed to be paid to the petitioner have already been released.
In view of above submission made, the present cont. petition is closed.
However, if for any reason, the petitioner has not received the same, the petitioner would be at the liberty to file an application for reviving this petition.”*

It is the specific case of the petitioner that the amount in question has not been received by him and accordingly the present Interlocutory application has been filed.

Shri B. Choudhury, learned counsel appearing for the respondents has submitted that the earlier submission was made based on certain instructions.

Be that as it may, in view of the categorical statement that the amount in question is yet to be received and also taking into consideration the liberty given by this Court, the instant Interlocutory application is allowed and the contempt petition No. 515/2018 stands revived.

JUDGE

Comparing Assistant