

**HIGH COURT OF TRIPURA
AGARTALA**

Cont.Cas(C) No.60/2023

Sri Biswajit Saha

..... Petitioner(s).

V E R S U S

Shri Debashish Sarkar

.....Respondent(s).

For Petitioner(s) : None.

For Respondent(s) : Mr. N. Majumder, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

11/05/2023

None appears for the petitioner.

Mr. N. Majumder, learned counsel for the respondent, has referred to the reply affidavit filed by them with details of the payment made to the petitioner in compliance of the Order dated 25.09.2020 passed in WP(C) No.1320 of 2019. Besides the averments made at paragraphs-11 and 12 of the reply affidavit, it has been stated that the present contempt petition is not entertainable as having been filed after the expiry of statutory period of one year from the date of the order. Details of the payments made under different project works have been furnished at paragraph-12.

Paragraphs-11, 12 and 13 of the reply affidavit are extracted hereunder:

"11. That, it is respectfully submitted that, the Respondent Corporation complied the direction of the Hon'ble High Court, the Order dated 25-09-2020 passed in W.P(C) 1320 of 2019. The Respondent Corporation after obtaining the Status report paid the entitled amount as approved and submitted here in the details of payment evidence to the petitioner of different project of the Difference Sub-Divisions of the Corporation. The Corporation issued Cheque of Rs.16,35,460/- on 24-04-2023 in favour of the petitioner for the Matabari Projects. The Corporation further issued Cheques for Interest on the aforesaid project @ 7% p.a total amount of Rs.16,31,269 on 03-05-2023 (in four Cheques) in total of four projects form the Different Electrical sub Division for the respective work as full and final amounts. The petitioner was also intimated through the E-mail communication addressed to the petitioner to collect the Cheques from the respective Sub-Division.

Copy of the details report of payment made to the petitioner a list along with the E-mail communication addressed to the petitioner to collect the Cheque and also the copy of Cheques is/are enclosed and marked as Annexure-1.

12. That, the respondent further submitted that, the full and final payment was paid in respect of the following project.

2. R-APDRP (Part-B) Scheme under Belonia Project Area paid Rs.17,65,486 on 03-02-2021.

3. R-APDRP (Part-B) Scheme under Teliamura Project Area paid Rs.17,41,417 on 21-12-2020.

4. Shifting & Construction of Chandrapur & Matabari 11 K.V Feeder project paid Rs.16,35,460 on 24-04-2023.

5. Construction of HT/LT line DT Sub-Station with shifting of existing Ht/LT line under Bagafa ESD of Electrical Division No.-VI, Bagafa, South Tripura project paid Rs.24,47,417 on 11-07-2022.

Interest on the aforesaid projects @ 7% p.a 2) Rs.3,39,941/- + 3) Rs.3,37,310/- + Rs.3,42,506/- 4) Rs.6,11,512/-. = In total Rs.16,31,269/- in four Cheques are issued/paid on 03-05-2023. The petitioner was also intimated through the E-mail communication addressed to the petitioner to collect the Cheques from the respective Sub-Division.

13. That, it is respectfully submitted that, there is no willful violation or deliberate disobedience of Order dated 25-09-2020 passed in the Writ Petition (C) 1320 of 2019 and

passed by the Hon'ble High Court of Tripura. The Corporation already made payment in compliance of the Order dated 25-09-2020 passed by the Hon'ble High Court."

As per the directions passed by the Writ Court respondents were to make payment of the amounts as against each of the work under Table-B and on failure to do so within the stipulated period of 21 days, the amount would carry the rate of 7% interest per annum till the payment is actually made. The statements made in the reply affidavit extracted hereinabove indicate that the admissible amounts under different works indicated in Table-B along with interest @ 7% for the delayed payment have been paid in favour of the petitioner by the respondent in compliance of the order of the Writ Court.

Learned counsel for the respondent has also stated that petitioner has been duly informed through an e-mail to collect the cheques which is part of Annexure-1 series.

In that view of the matter, no case of contempt survives. The instant petition is disposed of.

(APARESH KUMAR SINGH), CJ

Pulak