

GAHC010090462018



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

Case No. : Cont.Cas(C)/181/2018

M/S. ISHWAR FOOD PRODUCTS PVT. LTD.
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956 HAVING
ITS REGISTERED OFFICE AT TINGRAI HOOGRIJAN ROAD, PATIA PATHAR
GAON, P.O. TINSUKIA, ASSAM, PIN-786125, REP. BY ITS DIRECTOR SRI S.M.
AGARWAL,, AGE- 62 YRS

VERSUS

RAMESH ABHISHEK
SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF INDUSTRIES AND
COMMERCE, GOVT. OF INDIA, DEPTT. OF INDUSTRIAL POLICY AND
PROMOTION (DIPP), UDYOG BHAWAN, NEW DELHI-110011

Advocate for the Petitioner : DR B P TODI

Advocate for the Respondent : MR. S C KEYAL

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

22.06.2023

Heard Mr. A. Nath, learned counsel for the petitioner and Mr. S.C. Keyal, learned counsel for the sole respondent.

2. The contempt petition has been preferred alleging disobedience of the direction made in an order dated 21.07.2017 passed in the writ petition, W.P.[C] no. 5742/2011.

3. By the order dated 21.07.2017, the respondent no. 5 in the writ petition, W.P.[C] no. 5742/2011 was directed, in the event of filing of a fresh application by the petitioner clearly stating the amount as regards the balance claim, to pass a reasoned order either accepting or rejecting the claim of the petitioner for the balance amount so claimed. It was further provided that the respondent authorities, if the respondent authorities were of the view that the petitioner was entitled to the balance amount as claimed or any amount that might be arrived at, shall also consider as to what appropriate interest was to be paid to the petitioner.

4. Mr. Keyal, learned counsel for the sole respondent has brought to the notice of the Court that during the pendency of the contempt petition, a reasoned order was passed by the Under Secretary to the Government of India, Department of Industrial Policy and Promotion, Ministry of Commerce & Industries on 01.08.2018, pursuant to the order dated 21.07.2017, concluding that after examination, the petitioner was found not entitled to any balance amount claimed by him. A copy of the order dated 01.08.2018 is found appended to the affidavit-in-opposition filed by the sole respondent.

5. Mr. Nath, learned counsel for the petitioner has submitted that as the direction made in the order dated 21.07.2017 is complied with and if the petitioner is still aggrieved by the order dated 01.08.2018 passed by the Under Secretary to the Government of India, Department of Industrial Policy and Promotion, Ministry of Commerce & Industries, liberty may be reserved for the petitioner for assailing the same in accordance with law.

6. In view of such submission made by the learned counsel for the parties and considering fact that the order dated 01.08.2018 was passed by the Under Secretary to the Government of India, Department of Industrial Policy and Promotion, Ministry of Commerce & Industries, in compliance of the direction made in the order dated 21.07.2017, this contempt petition is closed. Liberty, however, stands reserved to the petitioner to seek appropriate remedy available to him under the law, if he is aggrieved in any manner by the order dated

01.08.2018.

JUDGE

Comparing Assistant