

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2176 of 2022

Applicant :- M/S Pratap Enterprises

Opposite Party :- Santosh Kumar Mishra, Executive Officer And Another

Counsel for Applicant :- Gopal Khare, Santosh Kumar Shukla

Counsel for Opposite Party :- Ranjay Kumar

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 25.11.2019 in Writ - C No.7157 of 2019 passed the following order :

"Heard Sri Amit Saxena, learned Senior Advocate assisted by Sri Anubhav Shukla, learned counsel for the petitioner, Sri S.P. Singh, learned counsel for the respondent no.2 and learned Standing Counsel for respondent no.1.

The contention advanced by the learned counsel for the petitioner is that as per own admission of Executive Officer of the Nagar Palika Parishad dated 29.8.2018 that earlier advertiser/contractors had not removed this hoarding and unipole though under the new contract for the year 2018-19 petitioner was assigned the work and hence the petitioner could not utilize the opportunity for 146 days and yet the respondents proceeded to pass the order this time holding that the petitioner had occasion to get it removed and since he did not get it removed, therefore, he is liable to pay the amount against 146 days and petitioner has accordingly been directed to pay the said amount. He submits that petitioner has been penalized for no fault at his end.

From the perusal of the documents that have been brought on record and the arguments advanced by learned counsel for the petitioner, prima-facie appears to have substance and the matter requires consideration.

Let counter affidavit be filed by both the respondents particularly by respondent no.2 within the period of four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List immediately after expiry of the aforesaid period.

In the meanwhile, until further orders of this Court, the effect and operation of the order dated 31.1.2019 passed by respondent no.2 (annexure no.12 of the writ petition), shall remain stayed. It is further provided that the petitioner's work pursuant to renewed contract will not in any manner be influenced by the order that has been stayed by this Court under this order."

List has been revised. No one is present on behalf of applicant to press the application. Sri Ranjay Kumar, counsel for the opposite party is present.

Counsel for the opposite party has invited the attention of the Court to para 3 of the

compliance affidavit wherein it has been stated that an order has been passed by opposite party on 16.11.2022 withdrawing the recovery certificate issued against the applicant on 03.02.2022.

As the writ Court had stayed the operation of the order dated 31.01.2019 and the writ petition is still pending, the opposite party has withdrawn the notice so issued against the applicant, the contempt application has rendered infructuous and stands dismissed.

Contempt notice stands discharged.

Order Date :- 24.11.2023

Kushal