

**HIGH COURT OF TRIPURA
AGARTALA**

Cont. Cas(C) No. 29 of 2024

Iritty Spices

..... Petitioner (s)

V E R S U S

Shri Rabndar Kumar Shamal and another

..... Respondent(s)

For Petitioner (s) : Mr. T. D. Majumder, Sr. Advocate,
Ms. Rimi Debbarma, Advocate.

For Respondent(s) : None.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH**

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15/05/2024

Heard Mr. T.D. Majumder, learned senior counsel assisted by Ms.
Rimi Debbarma, learned counsel for the petitioner.

[2] The operative part of the order under offence passed in WP(C)
No.10 of 2024 dated 13.03.2024 reads as under:

“It however appears that after cancellation of the sale order the balance amount remaining in the name of the petitioner to the tune of Rs.86,39,100/- has been refunded on 05.01.2024. We are not informed as to whether the interim stay on the lifting of the remaining amount of graded sheet rubber had been adhered to or not. In case, the remaining lots of graded sheet rubber under the sale order dated 22.12.2023 has not been lifted, the respondents could allow the petitioner to lift it upon deposit of the requisite amount of money refunded to him. Otherwise, respondents could undertake fresh calculation of the amount which requires to be refunded to the petitioner if any, over and above the amount of Rs.86,39,100/- earlier refunded on 05.01.2024.

However, the cancellation of the sale order cannot be upheld in the eye of law for the aforesaid reasons. It is accordingly set aside.

This exercise be completed within a period of 4(four) weeks from the date of receipt of a copy of this order.

The writ petition is allowed in the manner and to the extent indicated here-in-above. Pending application(s), if any, also stand disposed of.”

[3] Mr. T.D. Majumder, learned senior counsel for the petitioner has referred to the interim order dated 10.01.2024 (Annexure-1) wherein this Court had directed the respondents not to issue delivery orders in respect of the remaining quantum of the specified category of graded rubber sheets as per the sale order dated 22.12.2023 issued in favour of the petitioner to any other person. It is pointed out that the amount of rubber therefore could not have been lifted by any other person upon passing of the interim order by this Court in petitioner's favour. Despite representation made by the petitioner and his willingness to deposit any further amount to lift the remaining amount of graded rubber sheet, the respondent did not comply with the directions of this Court and instead issued a letter on 10.04.2024 (Annexure-5) in favour of the petitioner that the balance amount of Rs.86,39,100/- was refunded to the petitioner on 05.01.2024 itself as full and complete refund. It is submitted that in such circumstances, the refund of the remaining amount lying with the respondents would not relieve the respondents from complying with the directions of this Court both in the interim order and in the final judgment. The petitioner should have been allowed to lift the remaining amount of graded sheet rubber upon deposit of requisite amount of money. Therefore, the respondents are in contempt of the orders of this Court.

[4] We have examined the materials on record and also gone through the interim order as well as the judgment passed by this Court. Let it be first indicated that once the writ petition has been decided in the manner indicated above, the interim order, if any, passed earlier during proceedings of writ petition, such as order dated 10.01.2024, gets merged in the final order. Let it be further indicated that when the interim order was passed on 10.01.2024 the remaining amount of Rs. 86,39,100/- had already been refunded to the petitioner

on 05.01.2024, a fact which was also not brought to the notice of this Court when the interim order was passed. If the total balance amount of Rs.86.39 lakhs (approximately) deposited by the petitioner has been duly refunded even before passing of the interim order, we do not find that the respondents are liable to be proceeded for deliberate disobedience of the order of this Court.

[5] As such, we do not find any case of contempt being made out. Accordingly, the instant petition is dismissed. Pending application(s), if any, also stands disposed of.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ



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