

GAHC040008062024



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

Case No. : Cont.Cas(C)/19/2024

M/s Manab Jyoti Gogoi and Anr

Age: 0

Occupation :

Address:having its registered office at Red Cross Road

Bye Lane 1

Khalihamari

PO

PS and District Dibrugarh

Assam

represented by its Managing partner Shri Manab Jyoti Gogoi

2: Manab Jyoti Gogoi

Age: 48

Occupation :

Address:Son of Late Mohendra Gogoi

resident of Red Cross Road

Bye Lane 1

Khalihamari

PO

PS and District Dibrugarh

Assam

VERSUS

A K Mishra

Age: 0

Occupation :

Address:Chief Engineer

Project BRAHMANK cum Accepting Officer

C/o APO Pasighat

Arunachal Pradesh 93172

Advocate for : Kemo Lollen
Advocate for : Marto Kato appearing for A K Mishra: Advocate appearing for
respectively.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 20.09.2024

Heard Mr. R.S. Mishra, the learned counsel for the petitioners. Also heard Mr. M. Kato, learned counsel for the respondents.

2. By filing this contempt petition, the petitioners have alleged wilful and deliberate disobedience of order dated 26.06.2024, passed by this Court in WP(C) 254(AP)/2024.

3. The learned counsel for the petitioners has submitted that an interim order was passed on 26.06.2024 to the effect that without the leave of the Court, the respondent authorities shall not re-tender the execution of the contract for Surfacing Work, Preparation of Subgrade in SMB/SR/HR, GSB 150 MM Thick For (Hard Shoulder), GSB 100 MM Thick In Two Layer (In Sinking Area), CTB 160 MM Thick, CTSB 200 MM Thick (in Two Layer of 100 MM), Sami Cracks Layer, DBM 50 MM Thick, BC 50 MM Thick, Prime Coat, Tack Coat and Road Marking with Thermoplastic Paint (2.5 MM Thick) on Migging – Tuting Road from KM 25.00 to KM 35.134 under 1448 BCC under 761 BRTF of Project Brahman in Arunachal Pradesh.

4. However, despite communication of the copy of the order to the respondent authorities, the work was re-tendered vide re-tender notice dated 27.06.2024.

5. The learned DSGI has submitted that no contempt has been made out

because the copy of order dated 26.06.2024 was communicated only on 27.06.2024, which is evident from the documents appended to this contempt petition being the notice dated 27.06.2024 (Annexure-C). Accordingly, it is submitted that on the same day, without having notice of the communication of the order of this Court, the re-tender was ordered on 27.06.2024.

6. In view of the explanation given by the learned DSGI, the Court is inclined to accept the statement of the learned DSGI that as the copy of the order dated 26.06.2024, passed by this court in the WP(C) 254(AP)/2024 was communicated on 27.06.2024, on which date the re-tender was already issued, the court is inclined to hold that no deliberate and wilful disobedience of the order of this Court dated 26.06.2024 is made out.

7. Accordingly, having held that there was no wilful and deliberate disobedience of the Court, this contempt petition stands closed.

JUDGE

Comparing Assistant