

GAHC010029952016



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

Case No. : Cont.Cas(C)/611/2016

MRS. BANDANA DUTTA
PROP. M/S PRAGJYOTISH DRUGS, GAURIPUR, MASTERPARA, DIST.-
DHUBRI, ASSAM.

VERSUS

DR. RITENDRA BHUYAN and 2 ORS
DIRECTOR OF HEALTH SERVICE, HENGRABARI, GHY- 6.

2:PYARI LAL
COMMISSIONER TO THE GOVT. OF ASSAM
DISPUR
GHY- 6
KAMRUP M
ASSAM.

3:SAMIR KUMAR SAHA
COMMISSIONER TO THE GOVT. OF ASSAM
DEPTT. OF HEALTH AND FAMILY WELFARE
DISPUR
GHY- 6

Advocate for the Petitioner : MR.R D PHUKAN

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

06.03.2024

No one appears for the petitioner on call.

2. Mr. D. Saikia, learned Sr. Counsel assisted by Mr. B. Gogoi, learned counsel appears for the respondents.

3. It is noticed that the last time the petitioner was represented in this Court was on 14.08.2017. Besides the above, it is also seen that the petitioner has not taken any fresh steps for service of notice on the respondent No.1 till date, despite the Lawazima Court's order dated 10.09.2018 to do so. The above facts show that the petitioner is not interested in pursuing this case, for reasons best known to him.

4. This contempt petition has arisen due to non-compliance of the order dated 02.11.2015 passed in WP(C) No. 1034/2018, wherein a direction has been issued to the State government to disburse the interest component on the principal amount of Rs.16,19,156/- to the petitioner, under the "Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993", hereinafter referred to as the Act.

5. The Sr. Counsel for the respondents submits that the principal amount of Rs.16,19,156/- had been paid to the petitioner in the year 2004-2005. However, the interest has not been paid till date, in view of the State government officers overlooking the fact that interest was to be paid. He has also brought Union Bank of India Cheque Nos. 285642 and 285641, amounting to Rs.1,48,85,761/- and Rs.16,53,974/- respectively. The learned Senior Counsel submits that the above cheques are for the interest payable to the petitioner in terms of the order passed in

WP(C) No.1034/2018. He submits that while cheque number 285642 shall be handed over to the Registry of this Court for onward disbursement to the petitioner, the cheque number 285641 pertains to the Tax Deducted at source (TDS), which will be deposited by the respondents to the Income Tax Authorities.

6. The learned Senior Counsel for the respondents submits that there appears to be a nexus between the petitioner and certain officials for delaying payment of the interest amount, as the interest payable under the Act is very high.

7. In view of the learned Senior Counsel producing the cheques for payment of interest, in compliance with the order dated 02.11.2015 passed in WP(C) No. 1034/2018 and as the petitioner has not pursued this matter since the year 2017, this Court is of the view that the contempt petition can be closed, without prejudice to the petitioner's right to get the correct amount of interest.

8. Accordingly, the learned Senior Counsel shall deposit cheque No. 285642 in the Registry of this Court for disbursement to the petitioner. The Registry shall thereafter disburse the amount to the petitioner, after the petitioner is given permission to receive the amount by this Court.

9. The contempt petition is accordingly closed.

JUDGE

Comparing Assistant