

GAHC010126762022



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

**Case No. : Cont.Cas(C)/352/2022**

M/S UDAY DISTRIBUTORS AND ANR  
REP. BY ITS PROPRIETOR UTTAM DUTTA, HAVING ITS OFFICE AT HOUSE  
NO 24, SWAHID PATH, SURVEY BELTOLA, GUWAHATI-28, DIST- KAMRUP  
(M), ASSAM

2: UTTAM DUTTA

S/O- LATE UDAY DUTTA  
R/O- HOUSE NO 24  
SWAHID PATH  
SURVEY BELTOLA  
GUWAHATI-28  
DIST- KAMRUP (M)  
ASSA

VERSUS

B KALYAN CHAKRAVARTHY AND ORS  
PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, SECONDARY  
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6

2:SAMIR SINHA  
PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
DEPARTMENT OF FINANCE  
DISPUR  
GUWAHATI-6

3:MAMATA HOJAI  
DIRECTOR OF SECONDARY EDUCATION  
KAHILIPARA  
GUWAHATI-19

4:DR. BIJOYA CHOUDHURY  
SECRETARY

DEPARTMENT OF SCHOOL EDUCATION  
DISPUR  
GUWAHATI-781006.

5:SHRI NARAYAN KONWAR  
SECRETARY  
DEPARTMENT OF SCHOOL EDUCATION  
DISPUR  
GUWAHATI-781006

6:SRI JAYANT NARLIKAR  
COMMISSIONER AND SECRETARY  
DEPARTMENT OF FINANCE  
GOVERNMENT OF ASSAM  
DISPUR  
GUWAHATI-78100

**Advocate for the Petitioner** : MR R SINGHA

**Advocate for the Respondent** : MR. D SAIKIA (R

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**26.06.2024**

1. Heard Mr. R. Singha, learned counsel for the petitioner and Mr. N.J. Khataniar, learned counsel for the respondent nos.3, 4 & 5. Mr. A. Chaliha, learned counsel appears for the respondent nos.2 & 6.
2. The only issue left is with regard to non-payment of earnest money amounting to Rs.50,000/- (Rupees fifty thousand).
3. Mr. N.J. Khataniar, learned counsel for the respondent nos.3, 4 & 5 has submitted letter dated 15.06.2024 issued by the Director, Secondary Education,

Assam, which is to the following effect :

*“To : The Senior Standing Counsel, Department of  
School Education, Gauhati High Court,  
Guwahati – 01*

*Sub : Regarding Cont. Case No. 352/2022 filed by  
Uday Distributors*

*Ref. : Hon'ble High Court's order dated 06-06-2024  
passed in Cont. Case No. 352/2022*

*Sir,*

*With reference to the subject and the Hon'ble High Court's order under reference, I have the honour to inform you that, after thorough search, this Directorate could not trace out any such draft amounting to Rs.50,000/- as earnest money submitted by Uday Distributors.*

*In this regard, it is to inform you that his Directorate may take appropriate measures with the concerned Bank for issuance of a duplicate draft provided, the petitioner furnishes the receipt of the said Demand Draft or photocopies of the same.*

*With the above submission, you are requested to place the matter before the Hon'ble Court.”*

The letter dated 15.06.2024 is made a part of the record and marked as Annexure-X.

4. Mr. R. Singha, learned counsel for the petitioner submits that he had communicated with the bank and he has been informed that if the Directorate of Secondary Education, Assam submits an FIR to the concerned police station, regarding the untraceability of the earnest money deposit of Rs.50,000/- and

copy of the same is provided to the petitioner along with the forwarding letter, the petitioner will take up the matter with the concerned bank.

5. Mr. R. Singha submits that as a copy of the FIR dated 20.06.2024 submitted by the Director, Secondary Education, Assam to the O.C., Bhagadattapur Police Station, Kahilipara, Guwahati has been furnished to him, the matter can be closed.

6. In view of the submission made by the counsels for the parties, the contempt petition stands closed.

**JUDGE**

**Comparing Assistant**