

GAHC010218052024



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

Case No. : Review.Pet./193/2024

M/S ASSENT CHEMICALS LTD.
HAVING ITS OFFICE AT ROYAL SILVER TOWER LACHIT NAGAR,
GUWHATI-781007 TO BE REP. BY SRI VIRENDRA AGARWAL AGED ABOUT
34 YEARS, DIRECTOR OF M/S ASSENT CHEMICALS LTD. S/O DWARKA
PRASAD AGARWAL A RESIDENT OF TOKOBARI A.T. ROAD P.O.
PANBAZAR, P.S. BHARALUMUKH, DIST. KAMRUP (M) ASSAM

VERSUS

SHRI BISWAJIT DAS
THE CHIEF ENGINEER, PUBLIC HEALTH ENGINEERING DEPTT. GOVT. OF
ASSAM, HENGRABARI GUWAHATI-781003

Advocate for the Petitioner : MR. B PHUKAN,

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

06.11.2024

1. Heard Mr. B. Phukan, learned counsel for the review petitioner, who submits that the order dated 22.07.2024 passed in Cont. Cas(C) No.435/2021, closing the contempt petition should be reviewed. He submits that the contempt

petition had been closed on the basis of the letter No.PHEE/M/G-51/2021-22/2722-24 dated 12.01.2022 issued by the Executive Engineer (PHE), Morigaon Division, which was addressed to the Chief Engineer (PHE), Water Assam, Hengrabari, Guwahati, which stated that there was no outstanding bills pending in Morigaon in respect of the supply of ferric alum by the petitioner. The letter also stated that the concerned S.O.(Store) and AEE (PHE), Morigaon Sub-division had reported that there was no pending bill of the petitioner.

2. The review petitioner's counsel submits that the contents of the said letter dated 12.01.2022 issued by the Executive Engineer (PHE), Morigaon Division is false and as such, the review of the impugned order dated 22.07.2024 passed in Cont. Cas(C) No.435/2021 should be allowed.

3. The order dated 22.04.2019 passed in WP(C) No.2552/2019 states as follows:-

“Having regard to the submissions made by the learned counsel for the parties, the writ petition is disposed of by directing the Chief Engineer, PHE, to consider the representation dated 28.01.2019 filed by the petitioner for making payment of outstanding dues with interest within a period of three months from the date of receipt of a certified copy of this order.”

4. The order dated 22.04.2019 passed in WP(C) No.2552/2019 not being complied with, the petitioner filed Cont. Cas(C) No.435/2021. However, during the pendency of the contempt case, the letter No.PHEE/M/G-51/2021-22/2722-24 dated 12.01.2022 was issued by the Executive Engineer (PHE), Morigaon Division. The contempt petition was accordingly closed.

5. Though the review petitioner's counsel submits that the contents of the

letter dated 12.01.2022 issued by the Executive Engineer (PHE), Morigaon Division is false, this Court is of the view that the issue of whether the contents of the said letter is false or not would have to be decided by taking evidence and in that context, the appropriate Court would be a Civil Court, which the petitioner could approach, if so advised. Further, this Court finds that there is no error or mistake on the face of the record, for which a review can be allowed, only because the review petitioner is of the view that the letter issued by the Executive Engineer, PHE, Morigaon Division is false.

6. Accordingly, this Court is of the view that no ground for review has been made out. The review petition is accordingly dismissed.

JUDGE

Comparing Assistant