

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

CONT. CAS (C) J2 No. 4 of 2025

M/S Sanmati Traders

Petitioner

Vs.

Michael Achom; & Anr.

Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR

(ORDER)

14.08.2025

This contempt petition has been initiated by the complainant/petitioner under Section 11 and 12 of the Contempt of Courts Act, 1971 read with Rule 3 of the Contempt of Courts (Manipur High Court) Rules, 2019 and Article 215 of the Constitution of India for disobedience of order dated 26.09.2024 passed in Arb P. (J2) No. 3 of 2024.

Heard Mr. H. Kenajit, learned counsel for the complainant/petitioner and heard also Mr. M. Devananda, learned senior counsel assisted by Mr. Tomclist, learned counsel for the respondents/accused.

Whereas the learned counsel for the complainant/petitioner submits by referring to order dated 26.09.2024 in Arb. P. (J2) No. 3 of 2024, that there is willful disobedience of the aforesaid order passed for appointment of arbitrator as under Section 11 of the Arbitration and Conciliation Act, 1996. It is further submitted that despite the aforesaid order under Section 11 of the Arbitration and Conciliation Act, 1996 passed

by the High Court, a Coordinating Committee has been formed *vide* order dated 05.11.2024, issued by the Deputy Secretary, General Administration Department, Government of Manipur. Therefore, the learned counsel for the complainant/petitioner, Mr. H. Kenajit submits that it has come into the purview of Section 2(b) of the Contempt of Courts Act, 1971.

Whereas the learned senior counsel for the respondents/accused, Mr. M. Devananda has facilitated preceding order dated 06.12.2024 and inclusive of the preceding order dated 28.11.2024 passed in Review Pet. (J2) No. 2 of 2024, filed by the State of Manipur and another. Wherein, the learned senior counsel, Mr. M. Devananda appeared on behalf of the State in respect of the aforesaid review petition which has been filed to review the earlier order dated 26.09.2024 passed by this Court for appointment of the arbitrator by the consent of both the parties.

Apart from that order, learned senior counsel, Mr. M. Devananda has referred to order dated 19.12.2024 in Review Pet. (J2) No. 2 of 2024 *vide* Annexure-X/2, wherein in the aforesaid order dated 19.12.2024, this Court referred to judgment of the Hon'ble Supreme Court in the case of **Periyar and Pareekanni Rubbers Ltd. Vs. State of Kerala**, reported in **AIR 1990 SC 2192** and so also the judgment of **Prasanta Kumar Sahoo and Ors. Vs. Charulata Sahu and Ors**, reported in **(2023) 9 SCC 641** in para 101 sub-para 29 of the said decision. In the aforesaid order, it is indicated that the learned counsel appearing for the respondent herein has not specifically denied the

contention made by the review petitioners in the affidavit and in the light of the decision of the Hon'ble Supreme Court in **Periyar and Pareekanni Rubbers Ltd. (Supra)**, this Court accepts the submission made by the review petitioners and consequently, the order passed by this Court dated 26.09.2024 in Arb. P. (J2) No. 3 of 2024 is recalled.

Therefore, keeping in view the ratio of reliance which is stated (supra), are concerned, it is deemed appropriate that this contempt petition does not survive for consideration and consequently, it is hereby closed.

Sandeep

CHIEF JUSTICE