

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONTEMPT CASE (C) NO. 672 OF 2021**

- Bagree Enterprises, through its Partner- Mr. Aniruddha Bagree, S/o Nand Kishore Bagree, aged about 30 years, Office at: City Kotwali, Chotapara, Raipur (CG)

... Petitioner**versus**

1. Mr. Kartikeya Goel, Managing Director, Chhattisgarh Medical Services Corporation Limited, North-West Commercial Complex, Sector-27, Atal Nagar, Raipur (CG)
2. Dr. Shipra Sharma, Medical Superintendent, DKS Post Graduate Institute & Research Center, DKS Bhawan, Shastri Chowk, Raipur (CG)
3. Mr. Basant Kaushik, General Manager, Equipment, Chhattisgarh Medical Services Corporation Limited, North-West Commercial Complex, Sector-27, Raipur, Atal Nagar, Raipur (CG)
4. Smt. Alarmelmangai D., Principle Secretary, Finance Department, State of Chhattisgarh, Director, Chhattisgarh Medical Services Corporation Limited, North-West Commercial Complex, Sector 27, Atal Nagar, Raipur (CG)
5. Dr. Alok Shukla, the Secretary, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur (CG)

... Respondents**For Petitioner:**

Mr. Kishore Bhaduri, Senior Advocate, assisted by Mr. Sabyasachi Bhaduri, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[08/09/2021]**

1. The present Contempt Petition has been filed by Petitioner alleging non-compliance of Order dated 27.10.2020 passed by this Court in W.P. (C) No.2215/2020.
2. For appropriate adjudication of the matter, it would be relevant at this juncture to reproduce herein below the operative part of the Order passed by this Court on 27.10.2020 in W.P.(C) No.2215/2020:

“5. Given the facts and circumstances of the case, the present writ petition at this juncture is disposed of directing the respondent no.5 to ensure the payment of balance amount payable to the petitioner after due verification and scrutiny of the records and if no dispute is found so far as claim raised by the petitioner the same be processed and cleared at the earliest, preferably within a period of 90 days from the date of receipt of copy of this order.”

3. From the plain reading of the above mentioned operative part of the Order, it is evidently clear that the direction that this Court had issued was that in the event of any payment to be made by Respondents the same has to be as per the Agreement entered into between the parties. However, there was a rider given by this Court that the amount would be paid only after due verification and scrutiny of records and if no dispute is found so far as the claim of Petitioner is concerned.

4. Learned Senior Counsel appearing for Petitioner points out to an Order issued by Respondents which has been brought before this Court through a covering memo filed today, whereby it has been held that as per the directions given by this Court there was a due verification and scrutiny of the records to be done and it has been found that one of the officers who has been detrimental in purchase of the machinery and equipments of the Petitioner establishment has already been implicated in a criminal case and an FIR has been lodged and therefore the claim of Petitioner as of now cannot be finalized.

5. Given the said situation by Respondents with specific reasons provided, this Court is of the opinion that the said decision of the Respondents cannot be brought within the ambit of contempt as this Court had directed the Authorities to ensure the payment after due verification and scrutiny of the records and to take a decision in this regard in the event of there being no dispute.

6. Accordingly, the present Contempt Petition at this juncture is dismissed, reserving the right of Petitioner to avail appropriate legal remedies in respect of the grievances that they have.

7. Contempt Petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge