

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.2220 of 2021
(Through Hybrid mode)

***Soudamini @ Sobasini Dey and
another*** ***Applicants***

Mr. J.K.Mohapatra, Advocate

-versus-

Sanjay Kumar Mohanty ***Alleged
Contemner***

Mr. P.K.Parhi, Advocate (ASG)
Mr. S.S.Kashyap, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
30.03.2022

Order No.

- 04.** 1. Mr. Mohapatra, learned advocate appears on behalf of applicants. Mr. Kashyap, learned advocate led by Mr. Parhi, learned advocate, Assistant Solicitor General appears on behalf of alleged contemner and relies on compliance affidavit filed today.
2. Mr. Kashyap draws attention to communication dated 7th January, 2021 made through the bank to Divisional Railway Engineer, furnishing particulars for credit of the compensation. It is thereafter the demand draft was prepared and annexure 2 in the additional affidavit shows, demand draft obtained by applicants on 11th January, 2021 and, thereafter, credited in applicants' account on 18th January, 2021.

3. Mr. Mohapatra submits, there has been commission of contempt. He draws attention to order dated 13th March, 2020, by which his clients' writ petition was disposed of. There was direction for payment of the compensation within four months from date of communication, failing which it will carry interest at 6% per annum from the date of accident i.e. 9th February, 2016 till actual payment is made. Mr. Kashyap reiterates that information on bank particulars was on communication dated 7th January, 2021 and as such it cannot be said that there was intentional delay in payment of the compensation as attributed to alleged contemner.

4. In the facts and circumstances Court accepts compliance. Direction in the writ petition was for prompt payment being made. Alleged contemner showed industry in getting the demand draft ready within four days from receiving bank particulars furnished by applicants. Mr. Mohapatra submits, bank particulars were belatedly sought for by office of alleged contemner.

5. Compliance is accepted. The contempt application is disposed of.

(Arindam Sinha)
Judge

RKS