

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.2940 of 2012

Krushna Ch. Rath

.... ***Petitioner***

Mr. G.K. Behera, Advocate

-versus-

Exe. Officer, Brajaraj

.... ***Opposite Parties***

Mr. Ishwar Mohanty, AGA

CORAM:
THE CHIEF JUSTICE
DR. JUSTICE S.K. PANIGRAHI

ORDER
25.07.2022

Order No.

07. 1. The Petitioner is aggrieved by the non-compliance with the order dated 15th November, 2012 passed by this Court in W.P.(C) No.32940 of 2011 whereby the Opposite Parties were asked to settle the bills submitted by the Petitioner for the work executed by him within two weeks from the date of receipt of the certified copy that order. It was further observed that if the Executive Officer of Brajarajngar Municipality is not satisfied with the bills submitted by the Petitioner, proper measurement shall be made in presence of the Petitioner or his representative as expeditiously as possible.
2. In response to the notice issue in the contempt petition, show cause affidavit has been filed by the Executive Officer, Brajarajngar Municipality on 15.04.2018 whereby inter alia it is pointed out in Para-6, that the Petitioner was paid Rs.60,194/- towards second and final bills for the construction work of road from old Gandaghora to Remja with Culvert.
3. It is further pointed out that the balance work was offered to another contractor and the said contractor has also completed the

work and he has also been finally paid his bill. There is no balance work to be offered to the Petitioner.

4. No rejoinder has been filed to the above counter affidavit for about four years now. There is no denial of any of the averments in the counter affidavit.

5. Learned counsel for the Petitioner kept insisting that the measurements have not taken place in accordance with the direction issued by this Court. It would be recalled that such measurements were needed only if the bills submitted by the Petitioner were not acceptable to the Municipality. There is no such averment in the counter affidavit that the Municipality raised objection to the bills submitted by the Petitioner. He has already been made a payment of Rs.60,194/- against the said bills.

6. Consequently, this Court is of the view that no case is made out for further proceeding in the contempt petition, since the Court does is not satisfied that there has been any wilful disobedience of the directions issued by the order dated 15.11.2012 in W.P.(C) No.32940 of 2011.

7. Leaving it open to the Petitioner to seek other appropriate remedies as may be available to him in accordance with law for any other grievance, the contempt case is disposed of.

(Dr. S. Muralidhar)
Chief Justice

(Dr. S.K. Panigrahi)
Judge