

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.6803 of 2021

M/s.Tulasee Construction

....

Petitioner(s)

Mr.T.Sahoo,
Advocate

-versus-

*Pradip Kumar Samal, Engineer-
in-Chief, Rural Works Department.*

....

Opposite Party(s)

Mr. S.P.Panda, Advocate

CORAM:

JUSTICE BISWANATH RATH

ORDER

08.07.2022

Order No.

3.

1. Heard learned counsel appearing for the parties.

2. This is a contempt application. In disposal of writ petition, this Court in disposing W.P.(C).No.16213 of 2021 gave the following direction:

“ xxx xxx xxx

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the petitioner, disposes of this writ petition with a direction that the Engineer-in-Chief, Rural Works, Odisha-opposite party no.2 shall do well to consider and dispose of the representation of the petitioner under Annexure-3 as expeditiously as possible preferably within a period of four months from the date of production of an authenticated copy of this order, if the same is still pending.

6. It is made clear that if the dues claimed by the petitioner is held to be genuine, the same shall be paid to the petitioner forthwith within the aforesaid period.

xxx xxx xxx”

3. Not getting any response from the contemnor even after disposal of the writ petition, petitioner was constrained to file the contempt application. Notice being issued, contemnor has appeared and filed his show cause indicating that despite there has been several direction, the petitioner himself is not cooperating and thus the representation of the petitioner could not be finalized for non-cooperation of the petitioner. Learned counsel appearing for the petitioner has strongly refuted the allegations and submits there is no question of non-cooperation of the petitioner secondly the documents asked for are already in custody of

the authority herein. Without adversely to the controversy of cooperation or non-cooperation of the petitioner and availability of material documents, considering the representation is pending disposal, this Court directs the petitioner to attend the Office of the contemnor on 15.07.2022 with all documents available for consideration of the competent authority. In the event any document is in possession of the competent authority, it may be open to the petitioner to file appropriate application indicating the availability of documents. It is made clear that in the event there is any requirement of any further documents, petitioner will be provided at least within a period of seven days and the representation as directed to be disposed of vide order dated 05.05.2021 in W.P.(C).No.16213 of 2021 shall be disposed of within a period of six weeks thereafter failing which it will be construed to be deliberate violation of this court's order.

(Biswanath Rath)
Judge

Sks

