

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**CPAN 138 of 2023  
in  
CAN 1 of 2024  
Arising out of  
WPA 7265 of 2021**

**Md. Nojrul Islam  
-versus  
Lalita Nandi Das & Ors.**

**Mr. Gaus Ul Alam  
...For the Petitioner.**

**Mr. Subrata Ghosh.  
...For the Municipality.**

1. Learned advocate for the petitioner seeks extension of time for filing an exception to the report filed by the Municipality.
2. The matter relates to payment of bills of the petitioner.
3. The writ petition stood disposed of by the Court on 3<sup>rd</sup> August, 2022 when the submission of the Municipality was that payment could not be made for want of funds. The Court took note of the fact that the petitioner annexed certificates signed by the Chairman and Sub Assistant Engineer of the Municipality certifying that the petitioner completed the work as per the tender specification.
4. Relying on such documents, the Court disposed of the writ petition directing the

Municipality to take steps to clear the outstanding dues.

5. In the contempt application, the Municipality has annexed a note sheet signed by the Sub Assistant Engineer of the Municipality that the memos relied upon by the petitioner were found to be fake and not genuine. The claim of the petitioner has been denied by the Municipality.
6. Under such circumstances, granting time to the petitioner for filing an exception to the report will not serve any purpose.
7. Any money claim not admitted by the authority and rather denied and disputed cannot be adjudicated either by the writ Court or in the contempt proceeding.
8. In view of the above, the Court is not inclined to proceed with the contempt application any further. The same stands disposed of.
9. It will be open for the petitioner to approach any other competent forum for remedy, in accordance with law, if so advised.
10. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**( Amrita Sinha, J.)**