

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

**9.1.2025
SL 77
Court No. 14
BP/AGM**

**CPAN 350 of 2023
IA No: CAN 1 of 2024
IN
WPA 17548 of 2022
IA No: CAN 1 of 2025
(Not here)**

**M/s. Nimbus Enterprise & Ors.
vs.
Mr. Dhaval Jain**

**Mr. Subhabrata Dutta.
... For the petitioners.**

**Mr. Sandipan Banerjee.
..For the H.M.C.**

1. A report has been filed by the learned advocate representing the Howrah Municipal Corporation signed by three engineers, the Chief Auditor and the Controller of Finance on 19th December, 2024.
2. A joint spot inspection was conducted. Photographs of the inspection have been placed before the Court.
3. The petitioners seek disbursal of the payment of the work allegedly done by the petitioners.
4. The Commissioner and the Chairman of the Howrah Municipal Corporation both are virtually present. The Court has heard the Commissioner and the submissions made on behalf of all the parties.

5. It is evident that the Corporation seriously disputes that the work has been done by the petitioners in accordance with the work order issued. Specific stand of the Corporation is that the construction work has not been done in accordance with the work order.
6. As it is evident that the dues claimed by the petitioners are not admitted by the Corporation, and on the contrary, a dispute has been raised with regard to the work done by the petitioners, accordingly, the Court is not inclined to proceed with the contempt application any further. It is not proper for the writ court to direct payment of disputed claim.
7. It will be open for the petitioners to seek remedy before the appropriate civil forum.
8. Contempt application along with all connected application(s) stand disposed of.
9. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)