

11. 02.08.2023
Court No.6
Tanmoy Ghosh

CPAN 982 of 2022

**Modern Construction, a Partnership Firm
-Versus-
Sri Dhaval Jain, the Commissioner, Howrah
Municipal Corporation**

**Arising out of
FMA 767 of 2022**

**With
COT 64 of 2022**

Mr. Kishore Datta, Ld. Sr. Adv.,
Mr. Ayan Banerjee, Adv.,
Mr. Arindom Chatterjee, Adv.,
Mr. Dhiman Banerjee, Adv.

...for the petitioner.

Mr. Jayanta Kumar Mitra, Ld. Sr. Adv.,
Mr. Sandipan Banerjee, Adv.,
Mr. Ankit Sureka, Adv.

...for the HMC/
alleged contemnor.

The affidavit described as affidavit of compliance, filed on behalf of the alleged contemnor, be kept with the records.

The petitioner will be at liberty to file its response to the said affidavit on or before the next date of hearing with advance copy to learned Advocate-on-Record for the alleged contemnor.

List the matter once again on August 17, 2023.

Mr. Jayanta Kumar Mitra, learned Senior Advocate representing the alleged contemnor, candidly points out the difficulties that the Officers of Howrah Municipal Corporation (HMC) including the alleged contemnor are

facing in making payment against the bills raised by the petitioner Firm. However, it is not in dispute that the bills were raised in time after the work was done by the petitioner.

We request Mr. Mitra to find out a way of resolving this impasse.

Mr. Kishore Datta, learned Senior Advocate representing the petitioner, says that the relevant bills have been approved by the concerned Engineer.

Mr. Mitra, in response, on instruction, says that the relevant bills were not certified by the Competent Authority.

We will take up this matter for further hearing on the adjourned date.

(Arijit Banerjee, J.)

(Rai Chattopadhyay, J.)