AMITA DUBEY

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 751 of 2026

Garg Fabrications Through Its Proprietor Gajendra Agrawal, S/o Lt. Poonam Chand Agrawal, Aged About 51 Years, Having R/o 15, Modi Vihar, Ward 04, Jagatpur, Dhimrapur Road, Raigarh Chhattisgarh, Wrongly Mentioned In Order As Garg Fabrications Through Its Proprietor Gajendra Agrawal, S/o Lt. Poonam Chand Agrawal, Aged About 51 Years Having R/o 15, Modi Vihar, Ward No. 04, Jagatpur, Dhimrapur Road, Raipur Chhattisgarh

... Petitioner

versus

1 - D. Rahul Venkat Presently Posted As Commissioner, Tribal And Schedule Caste Development, Indravati Bhawan, Naya Raipur, Atal Nagar, Chhattisgarh

2 - Shrikant Dubey Assistant Commissioner, Tribal Development Department, District Raigarh, Chhattisgarh

... Respondents

{Cause title, as taken from CIS}

For Petitioner	:	Ms. Pratibha Sahu, Advocate
For Respondents	:	Mr. Shreyansh Mehta, Advocate

SB: Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

27/10/2026

1. Heard.

2. The present contempt petition has been filed seeking initiation of contempt proceedings against the respondents for non-compliance

of the order dated 24.07.2025 passed by the learned Coordinate Bench of this Court in W.P.(C) No. 3834 of 2025, whereby the respondents were directed to consider and decide the representation submitted by the petitioner and, upon due verification, disburse the undisputed amount payable to the petitioner as expeditiously as possible, in accordance with the applicable rules, regulations, and law.

3. Learned counsel appearing for the petitioner would submit that during the period from December 2018 to March 2019, the petitioner had supplied furniture to the respondents/ Tribal Development Department for a total consideration of Rs. 24,56,347/-. The supplies made by the petitioner were duly accepted by the department; however, the payment towards the said supplies has not been released till date. Despite repeated representations seeking payment of the outstanding amount, no action was taken by the respondents, compelling the petitioner to approach this Court by filing W.P.(C) No. 3834 of 2025. Learned counsel would further submit that, vide order dated 24.07.2025 passed in the aforesaid writ petition, the coordinate Bench of this Court directed respondent No. 2 therein to consider and decide the petitioner's representation and to ensure expeditious payment of the undisputed amount. However, despite the aforesaid direction, respondent No. 2 therein, after an inordinate delay of more than one year, passed an order dated 07.08.2026 rejecting the petitioner's claim for payment. Referring to the documents dated 24.08.2023 (Annexure C/4) and 05.07.2024 (Annexure C/5), learned counsel would contend that the claim of the petitioner regarding the supply of furniture to the

respondents/department stands duly acknowledged in the aforesaid documents. She would submit that, instead of releasing the payment for the supplies duly made and accepted by the department, the respondents have rejected the petitioner's representation on the ground that certain officers of the department had colluded with the petitioner and that the supplies were made without following the prescribed tender procedure and without issuance of a work order, allegedly in violation of the Chhattisgarh Bhandar Kray Niyam, 2002. Learned counsel would further submit that the issue concerning the petitioner's claim had been considered at the departmental level and that, despite the existence of documents acknowledging the claim, the respondents have rejected the representation without complying with the directions issued by this Court. According to learned counsel, the direction contained in the order dated 24.07.2025 specifically required respondent No. 2 to ensure payment of the undisputed amount, and the subsequent rejection of the petitioner's claim defeats the very purpose of the said direction. It is, therefore, contended that the deliberate and wilful failure on the part of the respondents to comply with the directions issued by this Court, coupled with the rejection of the petitioner's claim despite the alleged acknowledgment of the supplies made, amounts to wilful disobedience of the order passed in W.P.(C) No. 3834 of 2025, therefore, learned counsel prays that appropriate contempt proceedings be initiated against the respondents in accordance with law.

4. On the other hand, , learned counsel for the respondent would submit that by the order under contempt the Coordinate Bench of

this Court has directed to decide the representation and after due verification disbursed the undisputed amount, however the respondents, upon verification of the claim, found that the concerned authorities had arbitrarily exercised their powers in respect of the amount claimed by the petitioner towards the alleged supply of furniture to the department. For the said act of the responsible officials, departmental proceeding was recommended to be initiated and a show cause notice have been issued. He would further submit that after due verification, the representation of the petitioner has been rejected vide order dated 07.08.2026 and there is no admitted claim of the petitioner though the documents Annexure C/4 and Annexure C/5 appear to be communication made to the department for payment of the claim raised by the petitioner, but in view of the fact that no work order was issued in favour of the petitioner/Firm, there is violation of the provisions contained in Chhattisgarh Bhandar Kray Niyam, 2002. The department is not liable to pay the amount, as claimed by the petitioner, therefore, the claim of the petitioner has been denied and their representation has been rejected. The respondents have not violated the order passed by the Coordinate Bench of this Court dated 24.07.2025 and in compliance thereof, has decided the representation of the petitioner. No contempt *prima facie* is made out against them and, thus, the contempt proceeding initiated against them may be dropped.

5. I have heard learned counsel for the parties and perused the document annexed with the petition.

6. From perusal of the order under contempt, it transpires that with respect to the claim raised by the petitioner in the writ petition for payment of Rs 24,56,347/-, the Coordinate Bench had directed the respondent No. 2 to consider and decide the representation made by the petitioner and after due verification disbursed the undisputed amount paragraph 6 of the order dated 24.07.2025 passed in WPC No. 3834 of 2025 is read as under:-

> "6. Considering the facts and circumstances of the case and submission made by learned counsel for the parties. On perusal of the documents available on record, it is crystal clear that despite the clear acknowledgment made by the competent authority and the recommendation made for payment, the said amount has not been disbursed to the petitioner yet and the several representations made by the petitioner has also not been decided and still pending, at this stage this writ petition is disposed of with a direction to respondent No. 2 to consider and decide the representations made by the petitioner and after due verification, disburse the undisputed amount as expeditiously as possible in accordance with rules, regulations and law."

7. The respondents in their reply dated 12.08.2026, filed the document Annexure R/3 which is the order dated 07.08.2026 by which the representation of the petitioner has been rejected. In the said order, the respondents on verification of the record observed as under:-

> " गर्ग फैब्रिकेशन्स् द्वारा प्रो. श्री गजेन्द्र अग्रवाल, निवासी जगतपुर, ढिमरापुर रोड, रायपुर छत्तीसगढ़ के द्वारा दिसंबर 2018 से मार्च 2019 के बीच फर्नीचर की आपूर्ति किए जाने का उल्लेख करते हुए राशि रू. 24,56,347/- विमुक्त और वितरित किये जाने हेतु

प्रतिवादीगणों को निर्देशित किए जाने का अनुरोध करते हुए मान. छ.ग. उच्च न्यायालय बिलासपुर रिट याचिका WPC No. 3834/ 2025 गर्ग फैब्रिकेशन्स विरूद्ध छ.ग. शासन एवं 3 अन्य दायर की गई।

2 उक्त रिट याचिका को निराकृत करते हुए मान. उच्च न्यायालय द्वारा पारित आदेश दिनांक 24.07.2025 में याचिकाकर्ता के द्वारा प्रस्तुत अभ्यावेदन पर प्रतिवादी क्रमांक-02 को विचार कर निर्णय लेने के निर्देश दिए गए।

3. मान. उच्च न्यायालय के उक्त निर्देश के अनुक्रम में इस कार्यालय के पत्र दिनांक 21. 08.2025 के माध्यम से कलेक्टर जिला रायगढ़ छ.ग. को प्रकरण में जिला स्तर पर समिति गठित कर मान. उच्च न्यायालय के आदेश के अनुपालन में कार्यवाही सुनिश्चित करने हेतु लिखा गया।

4. इस कार्यालय के उक्त पत्र तारतम्य में कलेक्टर जिला रायगढ़ के द्वारा 05 सदस्यीय समिति का गठन किया गया।

5. गठित समिति द्वारा दिनांक 04.08.2025 को बैठक आयोजित की जाकर अपने कार्यवाही विवरण के माध्यम से निष्कर्ष सहित प्रतिवेदन प्रस्तुत किया गया।

अपने प्रतिवेदन में जिला स्तरीय समिति द्वारा यह प्रतिवेदित किया गया है कि -

- "याचिकाकर्ता फर्म को सामग्री आपूर्ति एवं अन्य मरम्मत कार्य कराये जाने के संबंध में किसी भी प्रकार का कार्यादेश जारी नहीं किया गया है एवं इस संबंध में कोई भी नस्ती संधारित नहीं की गई है।
- याचिकाकर्ता फर्म के द्वारा प्रस्तुत अभ्यावेदन अनुसार तत्कालीन सहायक आयुक्त श्री संकल्प साहू के मौखिक निर्देश पर फर्म द्वारा उक्त कार्य किये गये हैं।

- उपरोक्त कार्यों के लिए तत्कालीन समय में कोई बजट प्रावधान नहीं था।
- छ.ग. भण्डार कय नियम 2002 के अनुसार उपरोक्त कार्यों के लिए सक्षम प्राधिकारी की स्वीकृति नहीं ली गई न ही मरम्मत कार्यों के लिए किसी प्रकार का प्राकलन तैयार किया जाकर तकनीकी एवं प्रशासकीय स्वीकृति, सक्षम प्राधिकारी से प्राप्त की गई।
- श्री संकल्प साहू द्वारा कराया गया कार्य उनके स्व विवेक पर आधारित है, इस हेतु शासन द्वारा निर्धारित नियम प्रक्रिया का अनुसरण उनके द्वारा नहीं किया गया। अतः नियम विरूद्ध श्री साहू द्वारा अपने स्तर से लिये गये निर्णय पर देयकों का भुगतान शासकीय कोष से किये जाने की स्थिति उत्पन्न नहीं होती है। श्री साहू के द्वारा कराया गया कार्य सक्षम प्राधिकारी से अनुमोदित भी नहीं है, अतः याचिकाकर्ता का प्रस्तुत दावा विधिशून्य है।
- याचिकाकर्ता द्वारा प्रस्तुत देयक में कार्यालय के किसी शाखा वाहक का हस्ताक्षर नहीं है, और न ही कार्यालयीन अभिलेखों में देयक अथवा सामग्री का उल्लेख है। इसमें संपूर्ण कार्य संदिग्ध एवं श्री संकल्प साहू तत्कालीन सहायक आयुक्त, आदिवासी विकास तथा याचिकाकर्ता फर्म गर्ग फेब्रिकेशन रायगढ़ का सांठ-गांठ प्रतीत होता है, उपरोक्त आधार पर देयकों का भुगतान किया जाना उचित प्रतीत नहीं होता है।"

6. माननीय उच्च न्यायालय के आदेश दिनांक 24.07.2025 में दिये गये निर्देशों के अनुसार याचिकाकर्ता द्वारा प्रतिवादी क्रमांक 02 को अभ्यावेदन प्रस्तुत नहीं किये जाने के कारण आयुक्त आदिम जाति तथा अनुसूचित जाति विकास, नवा रायपुर अटल नगर छ.ग. (प्रतिवादी क्रं. 02) के द्वारा प्रकरण में आदेश पारित नही किया जा सका।

7. याचिकाकर्ता गर्ग फैब्रिकेशन्स के द्वारा माननीय उच्च न्यायालय में अवमानना याचिका Contempt Case (Civil) 751/2026 प्रस्तुत की गई है।

8. आयुक्त आदिम जाति तथा अनुसूचित जाति विकास के द्वारा याचिकाकर्ता को जिला स्तरीय समिति, रायगढ़ के द्वारा दिनांक 04.08.2025 को प्रस्तुत प्रतिवेदन की प्रति संलग्न प्रेषित करते हुये उल्लेखित बिन्दुओं के संबंध में दावा-आपत्ति प्रस्तुत किये जाने हेतु दिनांक 04.08.2026 को कार्यालय में आहूत किया गया।

9. याचिकाकर्ता उक्त दिनांक को कार्यालय में उपस्थित हुये तथा उनके द्वारा अपना लिखित विस्तृत उत्तर समक्ष में प्रस्तुत किया गया।

10. जिला स्तरीय समिति द्वारा प्रस्तुत प्रतिवेदन एवं उक्त प्रतिवेदन पर याचिकाकर्ता के प्रत्युत्तर का परिशीलन किया गया। जिसके आधार पर प्रकरण का निष्कर्ष यह है कि,

"याचिकाकर्ता के द्वारा यह स्वीकार किया गया है कि सामग्री आपूर्ति एवं अन्य मरम्मत कार्य कराये जाने के पूर्व कोई कार्यादेश जारी नहीं किए गए हैं। प्रकरण में यह भी स्पष्ट हैं कि तत्समय उक्त कार्यों हेतु कोई बजट आबंटन उपलब्ध नहीं था। साथ ही न तो सक्षम प्राधिकारी से कार्यों की स्वीकृति ली गई है न ही कार्यों को कराये जाने के पूर्व सक्षम प्राधिकारी से तकनीकी एवं प्रशासकीय स्वीकृति प्राप्त की गई। इस प्रकार शासन द्वारा निर्धारित नियम एवं प्रक्रिया का अनुसरण किये बिना कराये गये कार्यो का भुगतान शासकीय निधि से किये जाने का प्रश्न ही उपस्थित नही होता है।

अतः याचिकाकर्ता द्वारा भुगतान हेतु दावा की गई राशि रू. 24,56,347/- के भुगतान की मांग को नियम विरूद्ध होने के कारण अमान्य किया जाता है तथा यह स्पष्ट किया जाता है कि उक्त मांग की गई राशि के भुगतान हेतु विभाग दायित्वाधीन नहीं है। "

8. True it is that there are certain communications in the department Annexure C/4 and Annexure C/5 dated24.08.2023 and 25.07.2024 respectively with respect to allotment of the fund for payment to the

petitioner however, from perusal of the order dated 07.08.2026 Annexure R/3, it transpires that the respondents have denied their liability to pay the amount claimed on the ground that there was no work order issued, there are violation of the *Chhattisgarh Bhandar Kray Niyam, 2003* and all the work allegedly done on the oral instruction of the Officer concerned against whom a show cause notice was issued and departmental proceeding was proposed. Since the respondents denied the claim raised by the petitioner on the ground of certain irregularities committed by the concerned Officer it cannot be said that the claim raised by the petitioner is an admitted claim even if there is certain communications made with the department on 24.08.2023 and 5.07.2024.

9. When the representation of the petitioner has been rejected on 07.08.2026 and denied their liability to pay the amount as claimed by the petitioner, the petitioner have another cause of action to challenge the same before the appropriate forum and to redress their grievances. However, in the facts and circumstances of the present case, this Court does not find any willful violation of the order dated 24.07.2025 passed in WPC No. 3834 of 2025.

10. Accordingly, the present contempt petition is dismissed. Rule issued is discharged, However, the petitioner is at liberty to redress his grievances in an appropriate proceeding, if so advised.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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