2026:AHC:209788

HIGH COURT OF JUDICATURE AT ALLAHABAD

CONTEMPT APPLICATION (CIVIL) No. - 7033 of 2026

M/S Nayak Enterprises And Another

.....Applicant(s)

Versus

Sri Amit Saxena Executive Engineer And Another

.....Opposite Party(s)

Counsel for Applicant(s) : Atul Tej Kulshrestha
Counsel for Opposite Party(s) :

Court No. - 7

HON'BLE PIYUSH AGRAWAL, J.

Heard learned counsel for the applicant(s).

Vide order dated 18.05.2026 passed in Writ C No. 16950/2026 filed by the applicant(s), the writ Court directed as under:

> *"1. Mr. Atul Tej Kulshrestha, learned advocate appears on behalf of petitioner and submits, his client did the work. There remains unpaid Rs.19,23,299/-. He draws attention to communications dated 16th May, 1999 and 9th June, 2020 on submission, there is no dispute that the amount remains outstanding.*
>
> *2. Mr. Raj Mohan Upadhyay, learned advocate, Additional Chief Standing Counsel, appears on behalf of State. Ms. Rishu Mishra, learned advocate appears on behalf of respondent nos. 2 to 5 (the distribution company). She submits, her client will do all things necessary as prayed by petitioner in prayer 'b'.*
>
> *3. There will be order in terms of prayer 'b'. The prayer 'b' is reproduced below.*
>
> > *"(b) issue a writ, order or direction in the nature of Mandamus commanding and directing the Managing Director, Purvanchal Electricity Distribution Corporation Limited, Varanasi/respondent no.2 to decide the representation of the petitioner dated 22.01.2026 (Annexure No.10 to the writ petition) within stipulated period as fixed by this Hon'ble Court."*
>
> *The distribution company to take steps for payment of the outstanding.*

> *Petitioner will communicate certified copy of this order to respondent no.5 (the Executive Engineer). Compliance be made within three weeks thereof.*
>
> *4. The writ petition is disposed of."*

Further, vide order dated 26.05.2026, the writ Court passed the following order:

> *"1. Mr. Atul Tej Kulshrestha, learned advocate appears on behalf of petitioners, whose writ petition was disposed of by us on order dated 18th May, 2026. He submits, year 1999 mentioned in fourth line of said disposal order is incorrect. It be corrected as year 2019. He submits further, corresponding error made in the correction application also needs to be corrected. He seeks leave to do so in Court. Mr. Raj Mohan Upadhyay, learned advocate, Additional Chief Standing Counsel appears on behalf of State.*
>
> *2. The error appears to be typographical. Figure 1999 mentioned in fourth line of our disposal order dated 18th May, 2026 be corrected and substituted as 2019. Applicant has leave to make corresponding correction in the application to be counter signed by Court master.*
>
> *3. The application is disposed of."*

Learned counsel for the applicant(s) submits that a certified copy of the aforesaid order was submitted for compliance before the opposite party(s) on 06.06.2026 through registered post, but the opposite party(s) has willfully not complied with the order and, thus, has committed civil contempt liable for punishment under Section 12 of the Contempt of Courts Act, 1971.

Prima facie, a case of contempt has been made out for punishing the opposite party(s) for willful disobedience of the writ Court order. However, considering the facts and circumstances of the case, one more opportunity is accorded to the opposite party(s) to comply with the aforesaid order of the writ Court in its letter and spirit within two months from the date of production of a copy of this order.

The applicant(s) shall supply a duly stamped registered envelope addressed to the opposite party(s) and another self-addressed stamped envelope to the office within one week from today. The office shall send a copy of this order along with the self-addressed envelope of the applicant(s) with a copy of contempt application to the opposite party(s) within one week thereafter and

keep a record thereof.

The opposite party(s) shall comply with the directions of the writ Court and intimate the applicant(s) of the order through the self-addressed envelop within a week thereafter.

With the aforesaid observations, this application is disposed of at this stage with liberty to the applicant(s) to move a fresh application, if the order is not complied with by the opposite party(s) within the stipulated time as aforementioned.

October 7, 2026
Abhishek Gupta

(Piyush Agrawal,J.)

Digitally signed by :-
ABHISHEK GUPTA
High Court of Judicature at Allahabad