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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/263/2022

GAURI KALITA
PROPRIETOR OF M/S J.P. ENTERPRISE AND M/S KAILASH ENTERPRISE,
S/O- LT. ABHIRAM KALITA, R/O- HOUSE NO. 15, HENGRABARI ROAD, P.O.
ASSAM SACHIVALAYA, DIST.- KAMRUP(M), ASSAM, PIN- 781006.

VERSUS

BISWADEEP DAS AND 5 ORS.
COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, PUBLIC
HEALTH ENGINEERING DEPTT., DISPUR, GHY.-06.

2:DIPTENDU TALUKDAR
CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPTT.
WATER
HENGRABARI
GUWAHATI- 781036.

3:DIGANTA BARUAH
SUPERINTENDING ENGINEER
P.H.E. DEPTT.
GUWAHATI CIRCLE
GUWAHATI
ASSAM
PIN- 781021.

4:JAYANTA MAZUMDAR
EXECUTIVE ENGINEER
P.H.E. DEPTT.
GUWAHATI DIVISION-I
GUWAHATI- 781021
ASSAM.

5:DIGANTA BARUAH
ADDITIONAL CHIEF ENGINEER
P.H.E. DEPTT.
LOWER ASSAM ZONE
HENGRABARI
GUWAHATI- 36.

6:DIBYAJYOTI DUARAH
CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
WATER
HENGRABARI
GUWAHATI-781036

Advocate for the Petitioner : MR. N J KHATANAR,

Advocate for the Respondent : MR. P N GOSWAMI (r, MS. R B BORA,MR. D SAIKIA,MR. R R Gogoi,MR M HOQUE,MR. R R Gogoi (r-2)

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

07.03.2026

1. The present contempt petition is filed alleging willful and deliberate violation of the order dated 30.07.2021 passed in WP(C) 1872/2020. By the aforesaid order, a direction was issued to the respondent No. 2 to examine the claim of the petitioner for release of contractual dues within a period of 45 days from the date of receipt of the certified copy of the order. In the meantime, the petitioner has expired.

2. Mr. NJ Khataniar, learned counsel for the petitioner submits that he may be granted some time to file appropriate application for substitution of the petitioner by his legal heirs.

3. Mr. I Barthakur, learned standing counsel for the PHE Department, on the other hand, submits that the demand of fund under the Revenue Head for payment to the petitioner has already been placed by the Chief Engineer, PHE before the Secretary to the Government of Assam, Public Health Engineering Department. Along with the aforesaid demand, the death certificate, next of kin certificate, cancelled cheque with affidavit have also been forwarded.

4. In view of the aforesaid, this court is of the opinion that the matter is proceeding in right earnest.

5. Accordingly, the matter stands adjourned and be listed on 07.05.2026.

6. In the meantime, Mr. Barthakur may complete his instruction as regards status of payment.

JUDGE

Comparing Assistant