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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

For the Petitioner(s) : Ms. S. Chutia, Advocate

For the Respondent(s) : Mr. R. R. Gogoi, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

07.05.2026

Heard Ms. S. Chutia, the learned counsel appearing on behalf of the petitioner. Mr. R. R. Gogoi, the learned counsel appears on behalf of the Respondents.

2. The present contempt application has been filed alleging willful and deliberate violation to the order dated 30.07.2021 passed in WP(C) No.1872/2020 whereby a specific direction issued to examine the claim of the Petitioner within a period of 45 days and thereupon make payment to the Petitioner in accordance with law and in the light of the directions passed in the case of ***Tamsher Ali and Others Vs. State of Assam and***

Others, reported in ***2008 (4) GLT 1***. As no steps were taken by the Respondents, the Petitioner was compelled to approach this Court by filing the present contempt application on 07.05.2022.

3. The record reveals that a verification was carried out and it was found that the Petitioner herein is entitled to an amount of Rs.32,66,123/- and in that regard, a demand proposal has also been submitted to the Secretary to the Government of Assam, Public Health Engineering Department on 25.02.2026. This aspect was brought to the notice of this Court when the matter was taken up on 07.03.2026.

4. This Court, taking into consideration the above, directed the learned counsel appearing on behalf of the Respondents to provide an update as regards the status of the payment.

5. Mr. R. R. Gogoi, the learned counsel appearing on behalf of the Respondents submitted that on account of the closure of the financial window, the said amount could not be disbursed to the Petitioner.

6. Taking into account that the opening of the financial window depends upon the discretion of the Finance Department of the Government of Assam, this Court enquired with Mr. B. Gogoi, the learned Additional Advocate General who is also the Standing Counsel of the Finance Department as to why inspite of the

demand being made, that too which is in consequence to orders passed by this Court, the demand has not been provided by the Finance Department.

7. Mr. B. Gogoi, the learned Standing Counsel of the Finance Department submitted that he would obtain instructions in that regard.

8. The Registry shall show the name of Mr. B. Gogoi, the learned counsel as the Standing Counsel appearing on behalf of the Finance Department in the cause list.

9. The Respondents in the PHE Department as well as the Finance Department are directed to take active steps so that the amount to which the demand has been made of Rs.32,66,123/- is released to the Petitioner on or before the next date.

10. List this matter again on 15.06.2026.

11. It is observed that in the circumstance, the payment is not disbursed, this Court shall also consider imposing interest upon the Respondent Departments and such interest shall be recovered from the salary of the erring officials.

JUDGE