

GAHC010092642024



2026:GAU-AS:4026

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

Case No. : Cont.Cas(C)/266/2024

MS BORTHAKUR AND ASSOCIATES
HAVING ITS REGD OFFICE AT SHARMA AND SHARMA MARKET (FIRST
FLOOR), R.G BARUAH ROAD, CHANDMARI, DIST- KAMRUP (M), PIN-
781003, ASSAM.

REP. BY AR, BUDHIN BORTHAKUR, AGE-53 YRS,
S/O- PADMA BORTHAKUR, R/O- 5TH BYE LANE, SANTINILOY
APARTMENT, ZOO- NARENGI ROAD, BLOCK NO-E-3, P.O-
BAMUNIMAIDAM,
P.S- GEETANAGAR, GUWAHATI-21, ASSAM

VERSUS

MEGHA NIDHI DAHAL IAS
THE COMMISSIONER , GUWAHATI MUNICIPAL CORPORATION,
PANBAZAR, GUWAHATI-01

Advocate for the Petitioner : MS SAPTADEEPA DAS, MR. R GOSWAMI

Advocate for the Respondent : MR. D SAIKIA, MR. S BORA

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

18.03.2026

Heard Mr. R. Goswami, learned counsel for the petitioner. Mr. S. Bora, learned counsel for the respondent has advanced his submissions on earlier date.

2. This contempt petition is preferred alleging non-compliance of the direction[s] made in an Order dated 17.05.2023 passed in the writ petition, W.P.[C] no. 7244/2019.

3. In the writ petition, W.P.[C] no. 7244/2019, the petitioner had projected that it had provided consultancy service for preparation and submission of DPRs in respect of the three projects satisfactorily and had thereafter, prepared the bills for payment towards the consultancy services rendered vide [i] Invoice no. BA/BILL/FM/04/16-17 dated 20.06.2021; [ii] Invoice no. BA/BILL/FM/05/16-17 dated 20.06.2016; and [iii] Invoice no. BA/BILL/GMC/ZOB/02/16 dated 20.06.2016. After implementation of the GST regime, the petitioner firm by including GST, submitted revised invoices vide [i] Invoice no. BA/BILL/FM/05/17-18 dated 10.07.2017; [ii] Invoice no. BA/BILL/FM/06/17-18 dated 10.07.2017; and [iii] Invoice no. BA/BILL/GMC/ZOB/03/17-17 dated 07.07.2017; for a total amount of **Rs. 14,77,835/-**. The petitioner firm had projected that on the basis of the invoices submitted prior to the GST regime, the petitioners were paid two amounts vide [i] Cheque no. 587332 dated 06.09.2014 & [ii] Cheque no. 614953 dated 09.03.2016. When after repeated approaches to the respondent GMC authorities from the year 2017 onwards for disbursement of **the balance amount**, the petitioner did not receive the same, the writ petition was filed under Article 226 of the Constitution of India seeking a direction to the respondent GMC authorities to process the bills submitted by the petitioner firm and to disburse **the balance amount**.

4. The writ petition was disposed of after taking note of the submissions of the learned counsel for the parties. The learned counsel for the parties had advanced their submissions in the following manner :-

4. Mr. Bora, learned Standing Counsel, GMC has submitted that he has received instructions but the same are not sufficient to file counter affidavit traversing the contentions of the petitioner. In such view of the matter, he has submitted that since the petitioner firm has claimed that after completing the three works of consultancy

services, it has submitted the bills already and has also received a part of the bill amount, this writ petition can be disposed of with a direction to the respondent authorities in the GMC to examine and verify the bills submitted by the petitioner firm and if after such examination and verification, the petitioner is found entitled to any amount for the three works claimed to be completed by it, to disburse the said amount within reasonable time period.

5. Mr. Goswami, learned counsel for the petitioner has agreed to the above submission made by Mr. Bora, learned Standing Counsel, GMC.

5. The operative parts of the Order dated 17.05.2023 read as under :-

7. In view of the broad consensus arrived at the Bar by the learned counsel for the parties, this Court is of the considered view that instead of keeping this writ petition pending for any further period, the same can be disposed of with a direction to the respondent authorities in the GMC, more particularly, the Commissioner, GMC to examine and verify the claim of the petitioner in respect of the three revised invoices for disbursement of the amount for rendering consultancy services in connection with the three works, mentioned above, and **if after such examination and verification of the revised invoices submitted by the petitioner firm, it is found entitled to any amount beyond the amount already disbursed to it, the bills of the petitioner firm shall be processed for disbursement of the balance within a reasonable time period.** On query, Mr. Bora, learned Standing Counsel, GMC has submitted that a period of 4 [four] months will be a reasonable period. It is accordingly ordered. The petitioner shall submit a certified copy of this order along with a copy of the writ petition at the office of the Commissioner, GMC for the said authority for taking the necessary steps from his end.

6. Mr. Bora, learned counsel for the respondent had submitted that the total amount claimed by the petitioner in the writ petition was Rs. 14,77,835/- and the said amount had already been disbursed to the petitioner. In view of such submission made by Mr. Bora, Mr. Goswami, learned counsel for the petitioner sought time to file an additional affidavit. The additional affidavit which

has been filed by the petitioner thereafter, is on record.

7. From the statements made in the additional affidavit, it is noticed that the petitioner had received amounts of [i] Rs. 3,72,475/- on 06.09.2014, [ii] Rs. 6,58,857/- on 22.03.2021, [iii] Rs. 2,79,330/- on 09.03.2016, and [iv] Rs. 1,67,173/- through NEFT mode. The total amount received by the petitioner is, thus, Rs. 14,77,835/-.

8. In a contempt petition, scope for consideration is limited to the direction made in the writ petition. In the writ petition, the claim of the petitioner was confined to a sum of Rs. 14,77,835/- in total. As the petitioner has already received the total amount of Rs. 14,77,835/- so claimed in the writ petition, there is no further cause of action to proceed with the contempt petition. In the additional affidavit, the petitioner is found to have made a claim for another amount of Rs. 6,51,805/-. As the said claim was not part of the direction made in the writ petition, W.P.[C] no. 7244/2019, such claim cannot be brought within the purview of the present contempt petition. The contempt petition is, therefore, closed.

JUDGE

Comparing Assistant