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

Case No. : Cont.Cas(C)/277/2019

AGARWAL STORE AND ANR.
A PROPRIETORIAL FIRM HAVING ITS REGISTERED OFFICE AT RADHA
RANI MARKET, T.R.P. ROAD, GUWAHATI-781001

2: DWARKA PRASAD AGARWAL
PROPRIETOR OF AGARWAL STORE
S/O LT. SATYANARYAN AGARWAL
R/O CHINMOY COMPLEX
A.T.ROAD
GUWAHATI-78100

VERSUS

SIDDHARTH SINGH AND ORS.
THE SECRETARY TO THE GOVT. OF ASSAM, PUBLIC HEALTH
ENGINEERING DEPTT. DISPUR, GUWAHATI-781003

2:BIREN BHATTACHARYA
THE SECRETARY TO THE GOVT. OF ASSAM
PUBLIC HEALTH ENGINEERING DEPTT. DISPUR
GUWAHATI-781003

3:NARAYA PRASAD DAS
THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEER DEPTT. GOVT. OF ASSAM
HENGARABARI
GUWAHATI-781003

4:DIGANTA BARUAH
CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGARABARI
ASSAM-781036



5:SRI DIBYAJYOTI DUARAH
CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI
GUWAHATI-781036
ASSAM.

6:NASIMUL HAQUE
CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI
GUWAHATI-781036
ASSAM.

7:SRI PRANAB DAS
THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI
GUWAHATI-781036
ASSAM

Advocate for the Petitioner : MS KEWI, MR. R K AGARWALA, MS. D KALITA, MR H BETALA, MR G KHANDELIA, MR. K DEKA, MR R PAUL, MR H DAS, MR D KHAN

Advocate for the Respondent : MR. P N GOSWAMI, ADDL. AG, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 11.06.2026

Heard Mr. R.K. Agarwala, learned counsel appearing for the petitioners. Also heard Mr. R. R. Gogoi, learned Standing Counsel, PHED.

2. It appears that the present contempt petition was instituted on 15.05.2019 alleging willful and deliberate violation of the order dated 10.10.2018 passed by this Court in W.P.(C) No. 7220/2018.

3. By order dated 20.05.2019, notice was issued to the alleged contemnors. During the pendency of the proceeding, some of the contemnors were transferred and/or retired from service.



Consequently, the incumbent officers have been impleaded and an amended cause-title has been filed before this Court.

4. At this stage, it would be apposite to refer to the operative portion of the order dated 10.10.2018 passed in W.P.(C) No. 7220/2018, which reads as follows:

“Having regard to the submissions made by the learned counsel for the parties, the writ petition is disposed of by directing the Chief Engineer, PHE, to consider the representation dated 01.09.2018 filed by the petitioner for making payment of outstanding dues with interest within a period of three months from the date of receipt of a certified copy of this order.”

5. It is submitted on behalf of the petitioner that subsequent to the institution of the present contempt proceeding, the principal amount of the outstanding dues has been released. However, according to the petitioner, the interest component remains unpaid.

6. This Court also takes note of the order dated 17.02.2026, whereby the learned Additional Advocate General, Assam, was requested to obtain instructions from the respondent authorities and apprise the Court regarding the status of consideration and disposal of the representation submitted by the petitioner pursuant to the aforesaid order of the writ court.

7. When the matter is taken up today, Mr. R. R. Gogoi, learned Standing Counsel, PHED, submits that the petitioner’s representation has already been considered and the principal outstanding amount has been released. However, the department disputes the petitioner’s claim with regard to the computation and entitlement of interest.

8. This Court is conscious of the settled principle that while



exercising jurisdiction under the Contempt of Courts Act, it does not function as an executing court. Nevertheless, what is of concern is that despite issuance of notice and despite the pendency of the present proceeding since the year 2019, no affidavit or response has been filed on behalf of the contemnors explaining the steps taken in compliance with the order of this Court.

9. A contempt proceeding cannot be closed merely on the basis of oral submissions or on the production of a document across the Bar claiming compliance, particularly when the very nature and extent of such compliance is disputed by the petitioner. In such circumstances, it is incumbent upon the alleged contemnors to place their stand before the Court by way of an appropriate affidavit.

10. Accordingly, list the matter on 27.07.2026.

11. On or before the next date fixed, the respondent-contemnors shall file their show-cause affidavit through learned counsel. In the event no such affidavit is filed, the concerned respondent-contemnors shall remain personally present before this Court on the next date of listing.

12. Mr. R. R. Gogoi, learned Standing Counsel, PHED, shall communicate this order to the respondent-contemnors and ensure that they are duly apprised of the directions passed by this Court.

JUDGE

Comparing Assistant