

GAHC010080562018



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

Case No. : Cont.Cas(C)/163/2018

M/S RANA CONSTRUCTION AND ENGINEERS PVT LTD
SURAJ COMPLEX, ULUBARI CHARIALI, KAMRUP (METRO),
GUWAHATI - 781007, ASSAM, REP. BY ONE OF ITS DIRECTORS RANA
ZAMAN, SON OF ALHAZ RAHMAN ALI,
R/O HOUSE NO. 62, RAHMAN MANSION,
SOUTH SARANIA, P.O. ULUBARI, DIST. KAMRUP (M), ASSAM, ASSAM,
GUWAHATI- 781007.

VERSUS

MD M ALI BAKSH
EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, GUWAHATI NH DIVISION, GUWAHATI-
781001.

2:SRI PARESH CHANDRA DEKA
EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT GUWAHATI NH DIVISION
GUWAHATI-781001.

3:SRI KALYAN KUMAR SARMA
EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
GUWAHATI N.H DIVISION
GUWAHATI-78100

Advocate for the Petitioner : MR. K N CHOUDHURY, SENIOR ADVOCATE, MR. D J DAS,MR.
D DEKA

Advocate for the Respondent : MR. Y S MANNAN, MS. M BHATTACHARYYA,MS. N
BARUAH,MS. M BHATTACHARYYA,MR. Y S MANNAN

Linked Case : Cont.Cas(C)/386/2018

M/S. RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI

KAMRUP (M)
GHY-7
ASSAM
REP. BY ONE OF ITS DIRECTORS RANA ZAMAN
S/O- ALHAZ RAHMAN ALI
R/O- H.NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O. ULUBARI
DIST- KAMRUP (M)
ASSAM
GHY-7

VERSUS

SRI RAJESH KEMPRAI AND ORS.
COMM. AND SECY. TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPTT.
DISPUR
GHY-6

2:SRI DIBYAJYOTI SAHARIA
CHIEF ENGINEER
PUBLIC WORKS DEPTT. (BORDER ROADS AND NEC WORKS)
CHANDMARI
GHY-3

3:SANJIV SHYAM
THE CHIEF ENGINEER
PWD (ROADS)
CHANDMARI
GUWAHATI-781003
ASSAM.

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. T C CHUTIA(R1
2) appearing for SRI RAJESH KEMPRAI AND ORS.

Linked Case : Cont.Cas(C)/387/2018

M/S. RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI

KAMRUP (M)
GHY-7
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REP. BY ONE OF ITS DIRECTORS RANA ZAMAN
S/O- ALHAZ RAHMAN ALI
R/O- H.NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O. ULUBARI
DIST- KAMRUP (M)
ASSAM
GHY-7

VERSUS

SRI RAJESH KEMPRAI AND ORS
COMM. AND SECY. TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPTT.
DISPUR
GHY-6

2:SRI AJIT KAKATI
CHIEF ENGINEER
PUBLIC WORKS DEPTT. (ROADS)
CHANDMARI GHY-3

3:SRI SANJIV SHYAM
CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS)
CHANDMARI
GUWAHATI-781003.

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. D SAIKIA (R1
2) appearing for SRI RAJESH KEMPRAI AND ORS

Linked Case : Cont.Cas(C)/385/2018

M/S. RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP (M)
GUWAHATI-781007
ASSAM REP. BY ONE OF ITS DIRECTORS RANA ZAMAN
S/O. ALHAZ RAHMAN ALI
R/O. HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O. ULUBAI
DIST. KAMRUP (M)
ASSAM
GUWAHATI-781007.

VERSUS

AJIT KAKATI AND 2 ORS.
SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPTT.
DISPUR
GUWAHATI-781006.

2:DIBYAJYOTI SAHARIA

CHIEF ENGINEER
PUBLIC WORKS DEPTT.
PMGSY WORKS
CHANDMARI
GUWAHATI-781003.

3:jAYANTA KUMAR GOSWAMI
CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT(BORDER ROADS)
CHANDMARI
GUWAHATI-781003

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. T C CHUTIA (R2
R3) appearing for AJIT KAKATI AND 2 ORS.

Linked Case : Cont.Cas(C)/390/2018

M/S. RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP(METRO)
GUWAHATI- 781007
ASSAM
REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN
SON OF ALHAZ RAHMAN ALI
RESIDENT OF HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O. ULUBAI
DIST. KAMRUP(M)
ASSAM
GUWAHATI- 781007.

VERSUS

RAJESH KEMPRAI AND ORS.
COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPTT.
DISPUR
GUWAHATI- 781006

2:AJIT KAKATI
CHIEF ENGINEER
PUBLIC WORKS DEPTT. (ROADS)
CHANDMARI
GUWAHATI- 781003.

3:SRI JAYANTA KUMAR GOSWAMI
CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT(ROADS)
CHANDMARI
GUWAHATI-781003

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. D SAIKIA (R1
R2) appearing for RAJESH KEMPRAI AND ORS.

Linked Case : Cont.Cas(C)/392/2018

M/S. RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI

KAMRUP(M)
GUWAHATI- 781007
ASSAM REP. BY ONE OF ITS DIRECTORS RANA ZAMAN
S/O- ALHAZ RAHMAN ALI
R/O- H NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O- ULUBARI
DIST- KAMRUP(M)
ASSAM
GUWAHATI- 781007

VERSUS

RAJESH KEMPRAI AND ORS
COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
PUBLIC WORKS (ROADS) DEPTT
DISPUR
GUWAHATI- 781006

2:AJIT KAKATI
CHIEF ENGINEER
PWD (ROADS)
CHANDMARI
GUWAHATI- 781003

3:SRI SANJIV SHYAM
CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS) CHANDMARI
GUWAHATI-781003.

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. D SAIKIA(R1
2) appearing for RAJESH KEMPRAI AND ORS

Linked Case : Cont.Cas(C)/411/2018

M/S RANA CONSTRUCTION AND ENGINEERS PVT LTD
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP(METRO)
GUWAHATI- 781007
ASSAM REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN
43 YEARS
SON OF ALHAZ RAHMAN ALI

RESIDENT OF HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O. ULUBARI
GUWAHATI- 781007.

VERSUS

AJIT KAKATI AND ANR
CHIEF ENGINEER
PUBLIC WORKS DEPTT. (ROADS)
CHANDMARI
GUWAHATI- 781003.

2:Sri SANJIV SHYAM
CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT(ROADS)
CHANDMARI

GUWAHATI-781003

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. D SAIKIA appearing for AJIT KAKATI AND ANR

Linked Case : Cont.Cas(C)/389/2018

M/S. RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP (M)
GUWAHATI-781007
ASSAM REP. BY ONE OF ITS DIRECTORS RANA ZAMAN
S/O. ALHAZ RAHMAN ALI
R/O. HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O. ULUBAI
DIST. KAMRUP (M)
ASSAM
GUWAHATI-781007.

VERSUS

AJIT KAKATI AND 3 ORS.

SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPTT.
DISPUR
GUWAHATI-781006.

2:DIBYAJYOTI SAHARIA

CHIEF ENGINEER
PUBLIC WORKS DEPTT.
PMGSY WORKS
CHANDMARI
GUWAHATI-781003.

3:DEBESH CHAKRABORTY

EXECUTIVE ENGINEERS
WPD
NALBARI RURAL ROAD DIVISION
NALBARI
ASSAM.

4:SRI JAYANTA KUMAR GOSWAMI
CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT(ROADS)
CHANDMARI

GUWAHATI-781003

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. T C CHUTIA (R2
R3) appearing for AJIT KAKATI AND 3 ORS.

Linked Case : Cont.Cas(C)/388/2018

M/S. RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
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SOUTH SARANIA

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2:SRI DIBYAJYOTI SAHARIA
CHIEF ENGINEER
PUBLIC WORKS DEPTT. (BORDER ROADS AND NEC WORKS)
CHANDMARI
GHY-3

3:SRI JAYANTA KUMAR GOSWAMI
CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT(BORDER ROADS) CHANDMARI
GUWAHATI-781003

For the Petitioner(s) : Mr. R.M. Deka, Advocate

For the Respondent(s) : Mr. P.N. Goswami, Addl. A.G.
Mr. B. Gogoi, Addl. A.G.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.04.2026

Mr. P.N. Goswami, the learned Additional Advocate General who is also the Standing Counsel for the Forest Department submitted that on account of the elections held on 09.04.2026 and the Model Code of Conduct that came into force on

15.03.2026, adequate steps could not be taken by the Forest Department so that the forest royalty which has been deposited to the Forest Department could be verified and then reimbursed to the PWD, so that the said amount could be disbursed to the petitioner.

2. This Court has also taken note of the various orders in the records, and it appears therefrom that a stand has been taken by the officials of the PWD who are the contemnors in the present proceedings that upon collection of the forest royalty, the same was deposited with the Forest Department and it is under such circumstances, the PWD is not in a position to refund the forest royalty payable to the petitioners pursuant to the orders passed by this Court.

3. This Court has given anxious consideration to the respective submissions made by the learned Additional Advocate Generals appearing on behalf of the Forest Department as well as the PWD Department. It is a settled principle of law that the Government must speak in one voice and on account of their inter-departmental issues, the petitioners who are entitled to the amounts on the basis of the orders passed by this Court cannot be denied or delayed. Such delay or denial would be contrary to Rule of law as well as would undermine the Majesty of this Court.

4. The fact that the PWD has deducted the forest royalty from the petitioners are not in dispute and the PWD claims that the same were deposited to the Forest Department. The directions passed in the orders for which compliance was sought for by way of the present proceedings have not be adhered to though time limit were prescribed in the orders. It is also notable to mention that the present batch of contempt proceedings are already 8 (eight) years old.

5. Under such circumstances, it is the opinion of this Court that not refunding the forest royalty by the concerned departments, on the plea that one department has not reimbursed the amount and the other has not verified, appears to be too lame an excuse which is neither in right earnest nor is in consonance to the Rule of law.

6. Accordingly, this Court fixes the present batch of contempt proceedings on 03.06.2026.

7. It is observed that if the amounts to which the petitioners are entitled to on account of the orders for which compliance are sought for in the present proceedings are not refunded to the petitioners in the meantime, this Court would be initiating contempt proceedings against the erring officials of both the PWD and the Forest Department.

8. This Court further observes that ensuring compliance to the orders passed by this Court is between the Court and the Contemnors. Both the learned Additional Advocate Generals appearing for the Forest Department and the PWD Department, i.e. Mr. P.N. Goswami and Mr. B. Gogoi respectively shall provide the names of the present incumbents holding the posts of Chief Engineer, PWD, and Principal Chief Conservator of Forests on the next date. Additionally, the officials for whose inactions the amounts till date could not be refunded to the petitioners be also placed before this Court.

9. The Registry shall provide a copy of the present order to Mr. P.N. Goswami and Mr. B. Gogoi, both the Additional Advocate Generals of Assam for needful compliance.

JUDGE

Comparing Assistant