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

Case No. : Cont.Cas(C)/287/2023

M/S RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX, ULUBARI CHARIALI, KAMRUP (M), GUWAHATI-781007,
ASSAM, REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN, AGED
ABOUT 51 YEARS, S/O ALHAZ RAHMAN ALI, R/O HOUSE NO. 62, RAHMAN
MANSION, SOUTH SARANIA, P.O.-ULUBARI, DIST-KAMRUP (M), ASSAM,
GUWAHATI-781007

VERSUS

MRIDUL DAS
EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT (ROADS),
JALUKBARI AND HAJO TERRITORIAL ROAD DIVISION, GUWAHATI-781031

Advocate for the Petitioner : MR. K N CHOUDHURY, MR. D J DAS, MR. H G HAZARIKA, MR.
R M DEKA

Advocate for the Respondent : MR. R DHAR(R-1), A LONGKUMER(R-1), MS TOSHISENLA(R-1)

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)/303/2023

M/S RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP (M)
GUWAHATI-781007
ASSAM
REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN

AGED ABOUT 51 YEARS
S/O ALHAZ RAHMAN ALI
R/O HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O.-ULUBARI
DIST-KAMRUP (M)
ASSAM
GUWAHATI-781007

VERSUS

MUKUT KAKATI
EXECUTIVE ENGINEER
PWD
SIPAJAHR AND KALAIGAON TERRITORIAL ROAD DIVISION
DARRANG
ASSAM
PIN-784125

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. B GOGOI (R-1) appearing for MUKUT KAKATI

Linked Case : Cont.Cas(C)/288/2023

M/S RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP (M)
GUWAHATI-781007
ASSAM
REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN
AGED ABOUT 51 YEARS
S/O ALHAZ RAHMAN ALI
R/O HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O.-ULUBARI
DIST-KAMRUP (M)
ASSAM
GUWAHATI-781007

VERSUS

BISHNU PRASAD BORAH
EXECUTIVE ENGINEER
PWD
RANGIA NH DIVISION
KAMRUP
ASSAM
PIN-784354

Advocate for : MR. K N CHOUDHURY
Advocate for : MR. D NATH appearing for BISHNU PRASAD BORAH

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)/286/2023

M/S RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP (M)
GUWAHATI-781007
ASSAM
REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN
AGED ABOUT 51 YEARS
S/O ALHAZ RAHMAN ALI
R/O HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O.-ULUBARI
DIST-KAMRUP (M)
ASSAM
GUWAHATI-781007

VERSUS

DIPAK BAISHYA
EXECUTIVE ENGINEER
PWD
NORTH KAMRUP TERRITORIAL ROAD DIVISION
RANGIA
KAMRUP
ASSAM
PIN-781354

Advocate for : MR. K N CHOUDHURY
Advocate for : MS M DAS appearing for DIPAK BAISHYA

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

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 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)/284/2023

M/S RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP (M)
GUWAHATI-781007
ASSAM
REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN
AGED ABOUT 51 YEARS
S/O ALHAZ RAHMAN ALI
R/O HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O.-ULUBARI
DIST-KAMRUP (M)
ASSAM
GUWAHATI-781007

VERSUS

MRIDUL DAS
EXECUTIVE ENGINEER
PWD
JALUKBARI AND HAJO TERRITORIAL ROAD DIVISION
KAMRUP
ASSAM
PIN-781031

Advocate for : MR. K N CHOUDHURY
Advocate for : appearing for MRIDUL DAS

Linked Case : Cont.Cas(C)/285/2023

M/S RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP (M)
GUWAHATI-781007
ASSAM
REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN
AGED ABOUT 51 YEARS
S/O ALHAZ RAHMAN ALI
R/O HOUSE NO. 62

RAHMAN MANSION
SOUTH SARANIA
P.O.-ULUBARI
DIST-KAMRUP (M)
ASSAM
GUWAHATI-781007

VERSUS

KALYAN KUMAR SARMA
EXECUTIVE ENGINEER
PWD
NH DIVISION
FANCY BAZAR
KAMRUP (M)
ASSAM
PIN-781001

Advocate for : MR. K N CHOUDHURY
Advocate for : appearing for KALYAN KUMAR SARMA

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)/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-781001

Advocate for : MR. K N CHOUDHURY
SENIOR ADVOCATE
Advocate for : MR. Y S MANNAN appearing for MD M ALI BAKSH

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
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 ANR.
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:SRI JAYANTA KUMAR GOSWAMI
CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT(BORDER ROADS) CAHNDMARI
GUWAHATI-781003

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

Linked Case : Cont.Cas(C)/283/2023

M/S RANA CONSTRUCTION AND ENGINEERS PVT. LTD.
SURAJ COMPLEX
ULUBARI CHARIALI
KAMRUP (M)
GUWAHATI-781007
ASSAM
REPRESENTED BY ONE OF ITS DIRECTORS RANA ZAMAN
AGED ABOUT 51 YEARS
S/O ALHAZ RAHMAN ALI
R/O HOUSE NO. 62
RAHMAN MANSION
SOUTH SARANIA
P.O.-ULUBARI
DIST-KAMRUP (M)
ASSAM
GUWAHATI-781007

VERSUS

BULU RANJAN DEKA
EXECUTIVE ENGINEER
PWD ROADS
DISPUR TERRITORIAL ROAD DIVISION
KAMRUP (M)
ASSAM
PIN-781021

Advocate for : MR. K N CHOUDHURY

Advocate for : appearing for BULU RANJAN DEKA

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

15.06.2026

Heard Shri R.M. Deka, learned counsel for the petitioners in these cases. Also heard Ms. M. Das, learned counsel for one of the respondents in the Cont. Cas(C)/286/2023. Shri R.R. Gogoi, learned Standing Counsel, Forest Department, Assam has appeared for the Department as well as few of the respondents in the contempt cases. Shri M. Bhuyan, learned counsel is also present for the Public Works Department.

Shri Deka, learned counsel for the petitioner has drawn the attention of this Court to the order dated 22.04.2026 passed in Cont. Cas(C)/163/2023 and has submitted that this Court had taken serious exceptions to the delay in compliance of the order in question, more so when the verification by the Public Works Department was already done.

Shri Gogoi, learned counsel has, however, submitted that certain matters are being looked into and some more time be granted for settlement of the same.

At this stage, Ms. Das, learned counsel appearing for the sole respondent in Cont. Cas(C)/286/2023 has, however, submitted that her client was not a party in the connected writ proceeding and has been made party in the contempt proceeding without any basis. She has drawn the attention of this Court to the affidavit-in-opposition filed on 26.09.2024 in the said case and has specifically referred to the averments made in paragraphs 3 and 5. She has submitted that her client was not connected with the works in question and was also not the party in the connected WP(C)/2126/2019.

Shri Deka, learned counsel for the petitioners has not raised serious objection to the said aspect. He, however, submits that liberty may be granted to implead the appropriate officer as party respondent. Further, he has hastened to add that the role of the PWD, at this stage, is minimal as the verification has already been done by the said Department and the matter is presently before the Forest Department.

As pointed out by Ms. Das, learned counsel for the sole respondent in Cont. Cas(C)/286/2023, the averments made in the paragraphs 3 and 5 of the affidavit-in-opposition dated 26.09.2024 have been perused and those are as follows:

“3. That before going through the Para wise reply of the instant contempt petition, I would like to raise my preliminary objection in this case. Though the petitioner arrayed me in the instant contempt petition by name as Respondent but, in fact in the writ proceeding I was not arrayed as respondent. Rather in the writ proceeding, the petitioner made 1) The Commissioner & Secretary to the Govt. of Assam, Public Works Department (Roads), Dispur, 2) The Chief Engineer, Public Works Department (Roads), Assam, Chandmari, Guwahati and 3) The Treasury Officer, Rangia, Kamrup (R), Assam as party Respondents and as such the direction made by this Hon'ble Court is not at all binding upon me. Be that as it may, I would like to give the parawise comment also to apprise this Hon'ble Court since the petitioner has made me as party respondent in the instant contempt case.

5. That with regard to the statements made in paragraph no. 3 of the contempt petition, the deponent respectfully states that the name of the work mentioned in the contempt petition i.e "The work for construction of roads and cross drainage works under signature project under Kamalpur LAC, package No- Kamalpur/55102' was belong to Rangia Territorial Road Division, Rangia which is not similar with the work mentioned in the connected writ petition being W.P.(C) NO. 2126/2019 wherein the name of the work mentioned as "For construction of Dighireepar

Bardouguri Road from ch 0.00 km to 4.120 km and from ch 4.560 km to ch 10.100 km (Length = 9.660 km) including Cross Drainage under NLCPR in Assam which falls under the Territorial Jurisdiction of erstwhile Sipajhar and Kaligaon Road Division which is now falls under Mangaldai Dalgaon and Sipajhar Territorial Road Division, Mangaldai, Assam and the same is contrary to the materials available in the writ petition and the deponent is concerned with North Kamrup Territorial Road Division, Rangia not with the Udalguri Territorial Road Division and as such on that count alone the instant contempt petition is liable to be dismissed in the interest of justice.”

As noted above, the said averments have not been denied by the petitioners and on the other hand, Shri Deka, learned counsel has submitted that it appears that due to some inadvertence, the said incumbent has been made a party.

In view of the aforesaid backdrop, while this Court grants time to the Forest Department as well as other respondents in the contempt petition who are officers in the Forest Department to complete the verification and refund the money, the name of the sole respondent in Cont. Cas(C)/286/2023 is struck off.

The petitioners are required to file an appropriate application for impleading the concerned officer as a party respondent in the said contempt case which would be done by the next date.

List this case on 14.07.2026.

JUDGE

Comparing Assistant