

GAHC010150952018



2026:GAU-AS:12476

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

Case No. : 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-78100

Advocate for the Petitioner : MR. K N CHOUDHURY, MR. B K KASHYAP,MR. D J DEKA,MR
D DEKA

Advocate for the Respondent : MR. T C CHUTIA (R2, R3), ADDL. AG,ASSAM,MR. P N
GOSWAMI,MR D K ROY (R2, R3),MS. N DAS (R2, R3),MS. I KAKATI (R2, R3)

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)/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 : MR. K N CHOUDHURY
Advocate for : MR. R DHAR(R-1) appearing for MRIDUL DAS

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)/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)/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)/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)/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)/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

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)/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

STRUCK OFF
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 STRUCK OFF

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

For the Petitioner(s) : Mr. R.M. Deka, Advocate
For the Respondent(s) : Mr. B. Gogoi, Advocate
Mr. R.R. Gogoi, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 26.08.2026

Heard Mr. R.M. Deka, the learned counsel appearing on behalf of the petitioner in the present batch of contempt applications. Mr. B. Gogoi, the learned counsel appears on behalf of the respondents in the various contempt applications and Mr. R.R. Gogoi, the learned Standing Counsel appears on behalf of the Forest Department of the Government of Assam.

2. The present batch of contempt applications arises out of various orders passed by the learned Coordinate Benches of this Court holding inter alia that the deduction of forest royalty by the PWD was not permissible and accordingly, directing the PWD to take steps for refund of the said amounts deducted within the period mentioned in the said orders.

3. The petitioner herein who has filed this batch of contempt applications has alleged that there has been a willful and deliberate violation of the various orders passed by this Court

thereby resulting in non-refund of the forest royalty which was deducted from the petitioner by the PWD.

4. Mr. B. Gogoi, the learned counsel appearing on behalf of the officials of the PWD submitted that the deductions of forest royalty were carried out on the basis of Rule 5 of the Assam Minor Minerals Concession Rules, 2013 and thereupon the said amounts were deposited under the Head of Account of the Forest Department. The learned counsel, therefore, submitted that though the PWD can only provide details as regards the amounts of deduction which were carried out for the purpose of refund and deposited in the respective Head of Account of the Forest Department, but the refund has to be made by the Forest Department.

5. This Court takes note of the order passed by the learned Coordinate Bench of this Court dated 18.02.2026 whereby the Forest Department of the Government of Assam was roped in the present proceedings to obtain instructions as to why the Forest Department has not refunded the dues to which the petitioner is entitled on account of the refund. It may not be out of place to mention herein that the Forest Department was not made parties in the writ proceedings.

6. Mr. R.R. Gogoi, the learned Standing Counsel for the Forest

Department submitted that the deduction on account of forest royalty carried out by the PWD is not limited to the present batch of proceedings. The learned Standing Counsel further submitted that upon the deductions being carried out by the PWD, the same were deposited under the Head of Account of the Forest Department and necessary verifications are still being carried out. The learned Standing Counsel on instructions submitted that upon necessary verification being carried out, the Forest Department would refund the amount to the petitioner to which the petitioner is entitled. The learned Standing Counsel further submitted that the respondents in the present batch of proceedings should also provide the amounts so deducted against each contract entered with the petitioner along with details of deposit in the Treasury so that the date of deposit and under which Head of Account of the Forest Department, it was deposited can be ascertained and verified.

7. Taking into account the issues involved in the present batch of contempt applications, it is the opinion of this Court that the officials of the PWD cannot be held to be in willful or deliberate violation of the orders passed by the learned Coordinate Benches of this Court in the various writ petitions, inasmuch as it is beyond the capacity of the officials of the PWD to refund the said amount, as the said amounts are lying with the Forest

Department.

8. Considering the above, this Court, therefore, drops the present batch of contempt applications.

9. This Court, however, directs the respondents herein to provide an accurate list to the Forest Department of the amounts so deducted from the petitioner which are the subject matter of the present contempt applications. The respondents shall also provide the date of deposit by Treasury Challan and under which Head of Account of the Forest Department. The same be done within 45 days from today.

10. This Court observes that the contempt proceedings have been dropped on an assurance given by the Forest Department that upon due verification, the amounts to which the petitioner is entitled on account of refund would be paid.

11. Considering the above, it is, therefore, observed that the closure of the present contempt applications shall not prejudice or preclude the petitioner from again approaching this Court by filing proceedings under Article 226 of the Constitution, in the circumstance that the amounts entitled to be refunded are not refunded to the petitioner by the Forest Department within a period of six months from today.

JUDGE

Comparing Assistant