

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1493 of 2018

Amara Kumar Behera

.... ***Petitioner***
Mr. D. Mishra, Advocate

-versus-

State of Odisha & others

.... ***Opp. Parties***

Mr. J. Katikia, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.12.2021

Order No.

- 08.
1. Heard learned counsels for the parties and perused the record as well as various judgments of the Hon'ble Supreme Court of India.
 2. Mr. J. Katikia, learned Additional Government Advocate appearing for the State seeks some time to examine the matter as this Court is of the prima facie view that the interim order passed earlier in Original Application has been clearly violated by the contemnor. The contemnor is liable to be proceeded against under the contempt of Court Act.
 3. Although this Court is convinced that the interim order passed by the Odisha Administrative Tribunal has been flouted, however, considering the same to be a genuine mistake in interpreting the language in the judgment of the Hon'ble Supreme Court of India in the case of *Asian Resurfacing of Road Agency Pvt. Ltd. and another vrs. Central Bureau of Investigation* (reported in AIR 2018 S.C. 2039) and order dated 15th October 2020 in Miscellaneous

Application No.1577 of 2020 in Criminal Appeal Nos.1375-1376 of 2013). This Court grants an opportunity to the Contemnor to rectify the mistake before proceeding against him/her.

4. In such view of the matter, Mr. J. Katikia, learned Additional Government Advocate is directed to examine the issue of violation of interim order passed by the Odisha Administrative Tribunal in the light of the aforesaid Supreme Court judgment and further take instruction as to whether the order in question could be revoked by the authority concerned.

5. List this matter in the 2nd week of January, 2022.

6. A free copy of this order be handed over to the learned counsel for the State for compliance.

Jagabandhu

