

**(2013) 04 MAN CK 0003**  
**In the Manipur High Court**  
**Case No : Cont. Cas. (C) No. 90 of 2010**

H.L. Thunglun Anal

APPELLANT

Vs

Ram Munivah and Others

RESPONDENT

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**Date of Decision :** 09-04-2013

**Acts Referred:**

**Citation :** (2013) 04 MAN CK 0003

**Hon'ble Judges :** Abhay Manohar Sapre, C.J

**Bench :** Single Bench

**Advocate :** R.K. Umakanta, for the Appellant; N. Ibotombi, for the Respondent

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## Judgement

Abhay Manohar Sapre, C.J.—This contempt petition arises out of the order dated 8-2-2010 passed in WP (C) No. 771 of 2009. The following operative order was passed in the aforesaid writ petition.

Taking into consideration of the submissions of the learned counsels appearing for the parties, this writ petition is disposed of by directing the respondents to hold an enquiry for ascertaining the undisputed amount of bills for the contract work executed by the petitioner and after such inquiry the State respondents shall pay the undisputed amount of bills. It is made clear that the whole exercise for inquiry shall be completed within 3 (three) months from the date of receipt of the certified copy of this order. The above inquiry shall be conducted by the Chief Engineer, PWD, Government of Manipur, assisted by the Executive Engineer, Chandel Division, PWD, Manipur, accordingly, the petitioner is directed to approach the respondent Nos. 2 and 3 along with the certified copy of this order and the copies of the bills for which payment are to be made by the State respondents for executing the said contract work to the petitioner.

Having heard the learned counsel for the petitioner and on perusal of the record of the case, I do not find any merit in this contempt petition.

2. It is not in dispute that the aforesaid order passed in the said writ petition was complied with by the State though not within the time fixed.

3. The submission of learned counsel for the petitioner was that only part payment was made by the State authority which order was complied with and the balance was not paid, and it is due to this reason a case for contempt is made out against the respondents.

4. I do not agree with this submission for more than one reason, firstly, this Court by passing the aforesaid order did not specify the exact amount which is payable by the respondents to the petitioner; secondly, the only direction was to hold an enquiry and then make payment if found payable; thirdly this Court cannot now in this contempt case hold any factual enquiry because it is not permissible to hold in contempt jurisdiction.

5. In the light of the foregoing discussion no case for contempt is held made out. As a consequence, the contempt application has and is accordingly dismissed. Before parting with the case it is apposite to mention that dismissal of contempt application would not come in the way of petitioner to prosecute his all other legal remedies to recover their alleged unpaid dues from the respondents.