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**(2022) 03 OHC CK 0057**

**Orissa High Court**

**Case No:** CONTC No.1599 Of 2021

Er. Deepak Kumar Sahoo

APPELLANT

Vs

Debajani Mohapatra

RESPONDENT

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**Date of Decision:** March 11, 2022

**Hon'ble Judges:** Arindam Sinha, J

**Bench:** Single Bench

**Advocate:** A.P. Bose, A.K. Mishra

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### **Judgement**

Arindam Sinha, J

1. Mr. Bose, learned advocate appears on behalf of applicant and submits, alleged contemner be held in contempt. He draws attention to requisition

letter dated 24th May, 2021 written by the bank requiring as follows.

1. Certified copy of minutes of nomination of Governing Body of Kalinga Institute of Mining Engineering & Technology by the Kalinga Institute of Mining

Engineering & Technology Trust from time to time from 01.01.2005.

2. Certified copy of Rules framed by Governing body of Kalinga Institute of Mining Engineering & Technology for its functioning.

3. Resolution of Governing Body of Kalinga Institute of Mining Engineering & Technology for operation and withdrawal of STDRs of Kalinga Institute of Mining

Engineering & Technology operated at our branch.

He draws attention to paragraph-4 in order dated 2nd December, 2021 to submit, this was the requisition relied upon by alleged contemner, for being

fulfilled by his client to obtain disbursement of the amount under the Short Term Deposit Receipts (STDRs).

2. He refers to his client's affidavit dated 9th January, 2022 filed in the proceeding. From page-28 onwards extract of minutes of governing body

meeting of the institute have been disclosed as furnished to the bank. He submits this fulfilled requirements 1 and 3 in letter dated 24th May, 2021.

Meetings held prior thereto were held under aegis of the Collector as Administrator. Requirement no.2 was fulfilled by disclosure at page-25 of said

affidavit being resolution dated 2nd February, 2005 taken by Industries Department, Government of Odisha. He refers to clauses in the resolution for

saying the Constitution of Management of Institution/Colleges in the State. According to him the requisitions were therefore fulfilled.

3. He then refers to written statement affidavit dated 4th December, 2021 filed by alleged contemner, in which stands disclosed letter dated 3rd

January, 2022 saying as follows.

“In our letter dated 24.05.2021, we have directed you to fulfill the required documents to implement the full direction of the honourable Court. But in spite of

and modification of order by the honourable high court in the contempt petition neither you have supplied the required documents nor assisted us to take a

decision for final form so that you can be able to get your legitimate due as per law. Hence, I request you instead of sending letters kindly make arrangements in

your college management to assist us for taking a final decision in this matter. It is requested that after careful consideration your noncooperation and

noncompliance of the banks requirement will not allow us to proceed further. So, I take a decision as per the direction of the honourable court, you are not

complying with the requirements of the Banks documents and we are not allowing your application. This is for your kind information and necessary action at

your end.”

4. He prays for cognizance of contempt and award of punishment.

5. Mr. Mishra, learned advocate appearing on behalf of alleged contemner is granted adjournment to obtain instruction and submit, whether on

compliance in the meantime or as to why the requisitions in bank's letter dated 24th May, 2021 can still be said to be outstanding.

6. List on 21st March, 2022.

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