

GAHC040001242016



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

Case No. : WP(C)/404/2016

1: SRI LOKAM SAGMA
S/O LOKAM TARI, AGE ABOUT 35 YEARS, VILLAGE DAMIN, PO/PS DAMIN,
DISTRICT KURUNG KUMEY, AP.

2: SRI HINIUM KAME
S/O HINIUM ROI
AGE ABOUT 34 YEARS
VILLAGE CHULLA
PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

3: SRI DAKE TAJIK
S/O DAKE TARIK
AGE ABOUT 33 YEARS
VILLAGE NAMPE
PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

4: SRI DAMIN TADO
S/O DAMIN
PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

5: SRI RUBA SAGMI
S/O RUBA MESSANG
AGE ABOUT 35 YEARS
VILLAGE RUBA
PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

6: SHRI RUBA TANIANG
S/O RUBA TAKAP
AGE ABOUT 37 YEARS
VILLAGE RUBA
PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

7: SMTI LOKAM ANJU
W/O LOKAM SANGMA
AGE ABOUT 21 YEARS
VILLAGE DAMIN TOWN PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

8: SMTI DAMIN APPI
W/O DAMIN TADO
AGE ABOUT 20 YEARS
VILLAGE DAMIN TOWN PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

9: SRI LOKAM BHAI
S/O LOKAM TAMA
AGE ABOUT 40 YEARS
VILLAGE DAMIN TOWN PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

10: SRI LOKAM DEEPA
W/O SRI LOKAM BHAI
AGE ABOUT 33 YEARS
VILLAGE DAMIN TOWN PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP.

11: SRI LOKAM TANIA
S/O LOKAM TAGUNG
AGE ABOUT 28 YEARS
VILLAGE DAMIN TOWN PO/PS DAMIN
DISTRICT KURUNG KUMEY
AP

VERSUS

1:THE STATE OF A.P.
REPRESENTED BY THE SECRERTARY PLANNING, GOVT. OF AP,

ITANAGAR

2:THE DIRECTOR PLANNING
GOVT. OF AP
ITANAGAR.

3:THE DEPUTY COMMISSIONER
KOLORIANG
DISTRICT KURUNG KUMEY
GOVT. OF AP.

4:THE CICLE OFFICER-CUM-CHAIRMAN
DAMIN
DISTRICT KURUNG KUMEY
GOVT. OF AP.

5:THE BLOCK DEVELOPMENT OFFICER
CD-BLOCK
DAMIN
DISTRICT KURUNG KUMEY
GOVT. OF AP.

6:SRI BAKE BAKAM
APO M ANJA

Advocate for the Petitioner : J. Jini, G. Bam, T. Gadi, S. Ketan, S. Mibang, N. Gamdik,
K. Jini.

Advocate for the Respondent : U. Deka, C. Modi, A. Saring, T. Char, O. Modi, Bomyom Ori,
N. Rama, K. Gara, GA (AP), N. Tania, N. Kakki, B. Joseph,
A. Perme, T. Suraj

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 10-08-2023

Heard Mr. Gamken Bam, learned counsel, who prays for an adjournment on behalf of Mr. Jumgam Jini, learned counsel for the petitioners.

Also heard Ms. Tsering Wangmo, learned Government Advocate, appearing on behalf of Respondents No. 1 to 5; and Mr. Chorpok Modi, learned counsel, appearing on behalf of Respondent No. 6.

Though an adjournment has been sought for by Mr. Bam, learned counsel, on behalf of Mr. Jini, learned counsel for the petitioner; but having regard to the fact that the writ petition pertains to the year 2016 and the nature of issue raised in the petition; this writ petition is hereby taken-up for final disposal.

The writ petitioners, 11 in nos., have filed this petition claiming Rs. 30,10,999/- alleged to have been illegally deducted by the respondent authorities including the private respondent No. 6 from the total sanctioned amount of the bills against the works executed by them.

The details of the deduction made by the respondent authorities including the Respondent No. 6 amounting to Rs. 30,10,999/- has been indicated in paragraph No. 4 of the writ petition, which are, as under:

Sl. No.	Name of the contractors/ petitioners	Name of the work	Sanction amount	After deducting in the name of labour cess, VAT 4%, 30% for official level and for court case/SIC/SIT/Monitoring, PIL /Vigilance/Audit, etc, the amount remains with the petitioners from the sanction amount are	Total amount deducted and not paid to the contractors/ petitioners from the sanction amount
1	Sri Lokam Sagma	i) Renovation of SPT 2(two) units staff quarter at Damin	Rs 500000/-	Rs 311335/-	Rs. 188665

		ii) Maintenance of classroom at Govt. ME School Damin	Rs 500000/-	Rs 311335/-	Rs. 188665
2	Sri Hinium Kame	i) C/o Porter track from Damin to Tarba village	Rs 500000/-	Rs 311335/-	Rs. 188665
		ii) Renovation of school building 2 nos at Govt ME School at Panyasang	Rs 500000/-	Rs 311335/-	Rs. 188665
3	Sri Dake Tajik	i) C/o Porter track from Nampe to Halla village	Rs 500000/-	Rs 310000/-	Rs. 190000
		ii) C/o Porter track from Nampe to Harik via Gillang village	Rs 500000/-	Rs 306500/-	Rs. 193500
4	Sri Damin Tado	Providing of drinking water at Damin Town	Rs 500000/-	Rs 308296/-	Rs 191704
5	Sri Ruba Sagmi	C/o Log bridge over Henrik river between Ruba to Katuk	Rs 500000/-	Rs 303238/-	Rs 196762
6	Sri Rubu Taniang	C/o WRSB over Pipa river at Pipa	Rs 500000/-	Rs 300000/-	Rs 200000
7	Smti Lokam	C/o CC footpath with drainage in	Rs 500000/-	Rs 308454/-	Rs 191546

	Anju	and around Damin town 1200 metres (approx)			
8	Smti Damin Appi	C/o WRSB at Yasso river between Damin to Cheya	Rs 623000/-	Rs 384333	Rs. 238667
9	Sri Lokam Bhai	i) Maintenance and repairing of Girls Hostel at Govt. ME School Damin ii) Renovation of Teacher quarter at Govt. ME School Damin	Rs 500000/- Rs 500000/-	Rs 200000/- Rs 300000/-	Rs. 147000 Rs. 200000
10	Sri Lokam Deepa	C/o Porter track from Damin to Lorug Bogu	Rs 500000/-	Rs 311335/-	Rs 188665
11	Sri Lokam Tani	C/o Type-I Teacher Quarter at Govt. ME School Damin	Rs 800000/-	Rs 481505/-	Rs 318495
			Rs. 777000/-	Rs. 4759001/-	Rs. 30,10,999/-

The State Respondents No. 3, 4 & 5, have contested the case, by filing an affidavit-in-opposition wherein, in paragraph No. 6 thereof; it has been stated that no excess deduction as alleged by the petitioners, was made by the respondent authorities while making the payment to the petitioners in respect of the bills, in question.

It has also been indicated in the affidavit-in-opposition filed, by annexing a letter, dated 18.03.2026, written to the Block Development Officer, CD Block, Kurung Kumey District, Damin, by the District Planning Officer, Kurung Kumey District, Koloriang, vide Memo. No. KK/BADP-28/DMN/2015-16, wherein, it has indicated the

net amount payable to the petitioners thereof out of the works awarded to each of them, which are, as under:

Sl. No.	Name of the petitioner	Name of the work	Amount	(-) deduction	Net amount payable
1	Sri Lokam Sagma C/o BDO Damin	i) Renovation of SPT 2(two) unit staff quarter at Damin	Rs 500000/-	L/Cess = 4878.00 4 % VAT = 19512.00 Royalty = 2275.00	Rs. 473335.00
		ii) Maintenance of classroom at Govt. ME School Damin	Rs 500000/-	L/Cess = 4878.00 4 % VAT = 19512.00 Royalty = 2275.00	Rs. 473335.00
2	Sri Hinium Kame C/o BDO Damin	i) C/o Porter track from Damin to Tarba village	Rs 500000/-	L/Cess = 5000.00	Rs. 495000.00
		ii) Renovation of school building 2 nos at Govt. ME School Panyasang	Rs 500000/-	L/Cess = 4878.00 4 % VAT = 19512.00 Royalty = 2275.00	Rs. 473335.00
3	Sri Dake Tagik C/o BDO Damin	i) C/o Porter track from Nampe to Halla village	Rs 500000/-	L/cess = 5000.00	Rs. 495000.00
		ii) C/o Porter track from Nampe to Harik via Gillang village	Rs 500000/-	L/cess = 5000.00	Rs. 495000.00

4	Sri Damin Tado C/o BDO Damin	Providing of drinking water at Damin Town	Rs 500000/-	L/cess = 4773.00 4% VAT = 19091.00	Rs 476136.00
5	Sri Rukba Sakmi C/o BDO Damin	C/o Log bridge over Hanik river between Ruba to Katuk	Rs 500000/-	L/cess = 4789.00 4% VAT = 19157.00	Rs 476054.00
6	Sri Rubu Taniang C/o BDO Damin	C/o WRSB over Pipa river at Pipa	Rs 500000/-	L/cess = 5000.00 4% VAT = 20000.00	Rs 475000.00
7	Smti Lokam Anju C/o BDO Damin	C/o CC footpath with drainage in and around Damin town 1200 metres (approx)	Rs 500000/-	L/Cess = 4754.00 4 % VAT = 19015.00 Royalty = 7012.00	Rs 469219.00
8	Smti Damin Appi C/o BDO Damin	C/o WRSB at Yasso river between Damin to Cheya	Rs 623000/-	L/Cess = 6177.00 4 % VAT = 24920.00	Rs. 591903.00
9	Sri Lokam Bhai C/o BDO Damin	i) Maintenance and repairing of Girls Hostel at Govt. ME School Damin ii) Renovation of Teacher quarter at Govt. ME School Damin	Rs 500000/- Rs 500000/-	L/Cess = 4878.00 4 % VAT = 19512.00 Royalty = 2275.00 L/Cess = 4878.00 4 % VAT = 19512.00	Rs. 473335.00 Rs. 473335.00

				Royalty = 2275.00	
10	Sri Lokam Deepa	C/o Porter track from Damin to Lorug Bogu	Rs 500000/-	L/Cess = 5000.00	Rs 495000.00
	C/o BDO Damin				
11	Sri Lokam Tani	C/o Type-I Teacher Quarter at Govt. ME School Damin	Rs 800000/-	L/Cess = 7687.00 4 % VAT = 30746.00 Royalty = 2275.00	Rs 759292.00
	C/o BDO Damin				

From the above; it transpires that the deduction alleged to have been made by the petitioners in paragraph No. 4 of the writ petition, have been denied by the Respondents No. 3, 4 & 5, as indicated hereinabove; wherein, the deduction made, appears to be a negligible one from each of the writ petitioners and permissible deductions such as local cess, 4% VAT, and royalty.

The affidavit-in-opposition was filed by the Respondents No. 3, 4 & 5, on 09.09.2019. Since then, though the learned counsel for the petitioners have been taking adjournments for filing of the affidavit-in-reply but as yet, no affidavit-in-reply has been filed by the petitioners denying the amount stated to be paid to each of the petitioners in paragraph No. 6 of the affidavit-in-opposition filed by the Respondents No. 3, 4 & 5, as indicated hereinabove.

In that view of the matter; there is no reason to disbelieve the stand of the Respondents No. 3, 4 & 5, that no illegal deductions was made from the petitioners as has been alleged in the writ petition but whatever deductions was made; the same

was a legitimate and permissible deduction under the law.

In view of the above; no writ in the nature of writ of mandamus, as sought for by the petitioners, can be issued by the Court directing the respondent authorities to pay to the writ petitioners, the deducted amount from the bills of the petitioners.

Accordingly, this writ petition shall stand disposed of with liberty granted to the petitioners, if, at all, they are aggrieved by the deductions made as per the letter, dated 18.11.2016, written to the Block Development Officer, CD Block, Kurung Kumey District, Damin, by the District Planning Officer, Kurung Kumey District, Koloriang, vide Memo. No. KK/BADP-28/DMN/2015-16, as indicated hereinabove; the petitioners may take recourse to appropriate remedy before the authority or the Court of competent jurisdiction, as may be permissible under the law.

The writ petition stands disposed of in terms above.

JUDGE

Comparing Assistant