

GAHC040006232022



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

Case No. : WP(C) 194/2022

1:M/s Nayak Infrastructure Pvt. Ltd.

Represented by its sole proprietor Shri Ananta Charan Nayak, Kamakhya Commercial Complex, Opposite Harisabha, Panbazar, Guwahati 1 (Assam)

VERSUS

1:THE STATE OF AP and 5 Ors.

Represented by the Secretary, Rural Work Department, Govt. of Arunachal Pradesh.

2:The Chief Engineer

Rural Work Department

Govt. of Arunachal Pradesh.

3:The Chief Executive Office

Arunachal Pradesh Rural Road Development Agency

Govt. of Arunachal Pradesh

Itanagar

4:The Empowered Officer

Arunachal Pradesh Rural Road Development Agency

Govt. of Arunachal Pradesh

Itanagar

5:The Executive Engineer/DPIU II

Rural Work Department (RWD)

Seppa

East Kameng District

Arunachal Pradesh.

6:The Secretary
Ministry of Rural Development
Govt. of India
Krishi Bhavan
New Delhi 11000

Advocate for the Petitioner : Pritam Taffo

Advocate for the Respondent : Gimi Tarak

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 15.03.2023

Heard Mr. P. Taffo, learned counsel for the petitioner. Also heard Mr. G. Tarak, learned standing counsel for the Rural Works Department representing respondents no. 1, to 5 and Mr. M. Kato, learned DSGI, representing respondent no. 6.

This writ petition has been filed by the petitioner against non payment of the petitioner's bill for the work executed by the petitioner, namely, *"Construction of road from Bameng to Lada under Package No. AR/03/01/021 to the tune of Rs. 8,03,08, 354/- (Eight Crore three lakhs eight thousand three hundred and fifty four rupees)"*.

In the counter-affidavit filed by respondents 1, 3, 4 & 5, it has been stated that the bill raised by the petitioner for the work *"Construction of road from Bameng to Lada under Package No. AR/03/01/021"* has not been paid because of the letter dated 01.11.2019, written by the Secretary (RWD), Government of Arunachal Pradesh, to the Chief Engineer-cum-Empowered

Officer (PMGSY), ARRDA, Rural Works Department, vide Memo No. SRWD-10/PMGSY/1/2019/242, directing the Chief Engineer-cum-Empowered Officer (PMGSY), ARRDA, Rural Works Department not to release the payment in respect of 12 (twelve) road projects of East Kameng District, including the petitioner's.

The aforesaid letter dated 01.11.2019 has been stated to have written by the Secretary (RWD), Government of Arunachal Pradesh, as per the direction issued by the Government of India, Ministry of Rural Development, Department of Rural Development, Rural Connectivity (RC), New Delhi, on the ground that certain complaints have been lodged by the public of the area for duplicity of the work as well as for submitting bills without actual execution of works with regard to 12 package road projects of East Kameng district in the State of Arunachal Pradesh.

Though in the counter-affidavit filed by the respondents no. 1, 3, 4 & 5, no mention of registering of any case against the petitioner by the Special Investigation Team (SIT) has been mentioned, but, Mr. Tarak, learned Standing counsel for the RWD in the proceeding held on 27.09.2022, had made an oral submission that SIT has registered a case against several road projects in the district of East Kameng including the work with which, the petitioner is concerned and it is because of registration of such a case that the payment of bills of the petitioner has not been made.

Since, registration of a case against the petitioner by the SIT was not mentioned in the counter-affidavit filed by the respondents no. 1, 3, 4 & 5, this Court, in the proceeding held on 27.09.2022 had directed the respondent RWD to file an additional affidavit indicating the case registered

and the investigation launched, if any, against the petitioner.

Pursuant thereto, an additional affidavit by the Under Secretary, RWD, Government of Arunachal Pradesh has been filed on 20.10.2022, wherein, though a reference has been made to a registration of the SIC (Vig) P.S. enquiry, but, nothing has been indicated in the additional affidavit filed that any anomalies have found to have been committed by the petitioner while executing the work namely, "*Construction of road from Bameng to Lada under Package No. AR/03/01/021*", nor, the respondent authorities in the counter-affidavit or in the additional affidavit filed have disputed the entitlement of the petitioner to a sum of Rs. 8,03,08, 354/- for the work executed by the petitioner, namely, "*Construction of road from Bameng to Lada under Package No. AR/03/01/021*".

Mr. Tarak, learned standing counsel for the RWD representing respondents no. 1, 2, 3, 4 & 5 as well as Mr. M. Kato, learned DSGI, representing respondent no. 6 in their arguments have also not denied the entitlement of the petitioner to receive the aforesaid amount of Rs. 8,03,08, 354/- for the work executed by the petitioner, namely, "*Construction of road from Bameng to Lada under Package No. AR/03/01/021*".

In view of above, I find no justified reason as to why the petitioner shall not be paid the bills raised to the tune of Rs. 8,03,08, 354/- for the work executed by the petitioner, namely, "*Construction of road from Bameng to Lada under Package No. AR/03/01/021*".

Accordingly, the respondent authorities are directed to release the payment of Rs. 8,03,08, 354/- for the work executed by the petitioner, namely, "*Construction of road from Bameng to Lada under Package No.*

AR/03/01/021” within a period of one month from the date of receipt of the certified copy of this order.

Writ petition stands disposed of with the above direction.

JUDGE

Comparing Assistant