

GAHC040004192023



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

Case No. : WP(C)/315/2019

M/S L.R. ENTERPRISES

Age: 0

Occupation :

Address: REPRESNETED BY ITS PROPRIETOR

SHRI LOGYANG RIKHONG

A RESIDENT OF DIBRICK

NAPRA

PO. NAPRA

P.S. BOMDILA

WEST KAMENG DIST. AP

VERSUS

THE STATE OF A.P. AND 3 ORS.

Age: 0

Occupation :

Address: REPRESENTED THE SECRETARY

RURAL WORKS DEPTT. GOVT OF AP

ITANAGAR

2: THE CHIEF EXECUTIVE OFFICER

Age: 0

Occupation :

Address: ARRDA

RWD

GOVT. OF AP

ITANAGAR

3: THE SUPDT ENGINEER

Age: 0

Occupation :

Address: RURAL WORKS CIRCLE

RUPA WEST KAMENG DIST. AP

4:THE EXECUTIVE ENGINEER

Age: 0

Occupation :

Address:DPIU-I

RURAL WORKS DEPTT . SEPPA

EAST KAMENG DIST. AP

Advocate for : L Gee

Advocate for : SC(RWD) appearing for THE STATE OF A.P. AND 3 ORS.: Advocate ,

,

, appearing for 2,

3,

4, respectively.

**BEFORE
HONBLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

03.10.2023

Heard Mr. P. Taffo, learned counsel for the petitioner. Also heard Mr. G. Tarak, learned Standing Counsel, Rural Works Department representing all the respondents.

2. By filing this writ petition the petitioner has prayed for issuing a direction to the respondent authorities to release the pending bills amounting to Rs.1,39,30,718.00/- (Rupees One Crore Thirty-Nine Lakhs Thirty Thousand Seven Hundred Eighteen) for the work executed by the petitioner for '*C/o Road from Bameng to Tayung (Stage-II)*' bearing Package No. AR/03/01/068.

3. The case of the petitioner, in a nutshell, is that the Government of

Arunachal Pradesh through the Respondent No.4, the Executive Engineer, DPIU-I, RWD, Seppa, East Kameng District, Arunachal Pradesh issued an NIT vide No.EE/RWD-EK/PMGSY/Ph-XI/201-18/, dated 14.02.2017, thereby, inviting bids from eligible contractors for construction of 7 (Seven) Packages of roads under Pradhan Mantri Gram Sadak Yojana (hereafter referred to as 'PMGSY') in the district of East Kameng including the work "*C/o Road from Bameng to Tayung (Stg-II)*" bearing Package No.AR/03/01/068 with an estimated cost of Rs 363.49 lakhs (Rupees Three Crore Sixty Three Lakhs Forty-Nine Thousand only). The petitioner participated in the bid process in respect of the work '*C/o Road from Bameng to Tayung (Stage-II)*' bearing Package No. AR/03/01/068 and also submitted EMD No. 36591938900, dated 01.03.2017 of Rs.7,27,000/- (Rupees Seven Lakh Twenty-Seven Thousand) only. Eventually, the Petitioner Firm secured the contract at the quoted amount of Rs.3,45,31,500.00/-(Rupees Three Crore Forty Five Lakhs Thirty One Thousand Five Hundred) only and the aforesaid work was awarded to the Firm. The Petitioner Firm and the respondent Department through DPIU-I (ARRDA), Rural Works Division, Seppa, East Kameng District, Arunachal Pradesh formally entered into an agreement vide Deed of Agreement, dated 08.08.2017 (Annexure-6).After observing all formalities, the Petitioner Firm started execution of the aforesaid work awarded to it and successfully completed considerable portion of the work as per the specifications and DPR in the year 2017. Upon completion of work, the respondent Department prepared a bill to the tune of Rs.1,39,30,718.00/- (Rupees One Crore Thirty-Nine Lakh Thirty Thousand Seven Hundred Eighteen) to be paid to the Petitioner Firm. As the aforesaid amount was not cleared by the respondent authorities, the petitioner approached the authorities concerned on several occasions and also made a representation on 05.09.2019 for

payment of the outstanding bill amount. However, as the outstanding bill amount due to the petitioner has not been cleared by the department concerned till date, the petitioner having no other option has filed the instant writ petition seeking for appropriate relief.

4. Mr. P. Taffo, learned counsel for the petitioner, submits that the respondent authorities are neither disputing their liabilities nor have they paid the amount due to the petitioner till date even after completion of the work without any rational justification. Mr. Taffo also submits that the Petitioner Firm had availed loan from relatives and other financial institutions on agreeable interest for executing the said work and the interest amount is increasing with time and that because of non-payment of the bill amount due to the Petitioner Firm they are unable to pay salaries to the labourers, which has affected their family lives.

5. Mr. G. Tarak, learned Standing Counsel, Rural Works Department, has conceded with the submission made by the learned counsel for the petitioner and has not disputed the entitlement of the petitioner to receive the amount of Rs.1,39,30,718.00/- (Rupees One Crore Thirty-Nine Lakh Thirty Thousand Seven Hundred Eighteen).

6. Having considered the submissions made by the learned counsel for both sides as well as the averments made in the petition as the prayer of the petitioner is not opposed by the learned counsel for the respondents, this Court is of the opinion that the petitioner is entitled to receive the undisputed amount of Rs.1,39,30,718.00/- (Rupees One Crore Thirty-Nine Lakhs Thirty Thousand Seven Hundred Eighteen) for the work executed by the petitioner for '*C/o Road from Bameng to Tayung (Stage-II)*' bearing Package No. AR/03/01/068.

7. Accordingly, the respondent authorities are directed to release the

payment of Rs.1,39,30,718.00/- (Rupees One Crore Thirty-Nine Lakhs Thirty Thousand Seven Hundred Eighteen) for the work executed by the petitioner for '*C/o Road from Bameng to Tayung (Stage-II)*' bearing Package No. AR/03/01/068 **within a period of 2(two) month** from the date of receipt of a certified copy of this order, which shall be furnished by the petitioner.

With the above direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant