

GAHC040010652023



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

Case No. : WP(C)/363/2023

Matung Panye

S/o Late Nikter Panye. Prop. M/s SP Enterprises, F and G Sector, Itanagar, P.O R.K Mission, P.S Itanagar, District Ppaum Pare, Arunachal Pradesh.
Mobile No. 9366177451

VERSUS

The State of AP and 3 Others represented by the Secretary Public Works Department, Govt. of Arunachal Pradesh, Itanagar.

2:The Chief Engineer Age: 0 Occupation : (Western Division) Public Works Department Govt. of Arunachal Pradesh Itanagar.

3:The Superintending Engineer Age: 0 Occupation : Public Works Department Capital Circle Govt. of Arunachal Pradesh.

4:The Executive Engineer Age: 0 Occupation : Public Works Department Doimukh Division Govt. of Arunachal Pradesh

Advocate for the Petitioner : Tabit Tapak

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 19-12-2023

Heard Mr. T. Tapak, learned counsel for the petitioner. Also heard Ms. R. Basar, learned Government Advocate for the respondents no. 1 to 4.

2. By instituting this writ petition, the petitioner has prayed for a direction to the respondent authority to release the payment of admitted outstanding bill of Rs. 74,000,00/- (Seventy-Four Lakh) only with interest @ 12% per annum on the principal amount for execution of restoration works of road under NLCPR scheme, which was washed away during the summer flood.

3. It is noticed that the respondent authority had issued various work orders to the petitioner for different works including the construction and restoration of the damaged road. According to the petitioner, he has executed the work to the satisfaction of the concerned authority by incurring huge expenditure for such construction/restoration. However, no payment has been made as on date.

4. Ms. R. Basar, learned Government Advocate, while referring to the affidavit filed on behalf of the respondents no. 1, 2, 3 & 4 submits that the amount claimed by the petitioner is an admitted amount for the works which has been executed by the petitioner for restoration of road with prior approval of the competent authority. She further submits that in fact after due verification, the admitted amount is Rs. 74,88,852/- (Seventy-Four Lakh Eighty-Eight Thousand Eight Hundred Fifty-Two) only although the amount claimed by the petitioner is Rs. 74,000,00/- (Seventy-Four Lakh) only. Though the bills claimed by the petitioner is an admitted amount, however, same could not be paid due to lack of fund as the emergency restoration works were carried out in anticipation of the fund provision.

5. Having considered that the amount claimed by the petitioner has not been disputed by the respondent authority rather has admitted an amount, which is shown to be more than the amount claimed by the petitioner, this Court is of

the considered view that the denial of payment of the admitted amount to the petitioner for the works which he has admittedly executed shall be a great injustice to the petitioner.

6. Considering the above, this writ petition is disposed of, with a direction to the respondent authority to release the admitted amount of Rs. 74,88,852/- (Seventy-Four Lakh Eighty-Eight Thousand Eight Hundred Fifty-Two) only to the petitioner, within a period of 6 (six) months from the date of receipt of a certified copy of this order, failing which 9% interest will be charged on the expiry of 6 (six) months till final and full payment of the admitted amount is made.

JUDGE

Comparing Assistant