

GAHC040016042023



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

Case No. : WP(C)/561/2023

M/s T.K Enterprises
Sangram, P.O and P.S Sangram, Kurung Kumey District. Arunachal Pradesh,
represented by its proprietor, Shri Tamchi Kame, S/o late Tamchi Lama, presently
residing at Dikrong Colony, Nirjuli. P.O and P.S Nirjuli, Papum Pare District.
Arunachal Pradesh. Email kametamchi@gmail.com Mob No. 94022788649

VERSUS

The State of AP and 4 Others represented by the Chief Secretary, Government of
Arunachal Pradesh.

2:The Principal Secretary, Department of Finance Planning and Investment
Government of Arunachal Pradesh Itanagar.

3:The Secretary, Finance Planning and Investment Department Government of
Arunachal Pradesh Itanagar.

4:The Commissioner, Public Works Department. Government of Arunachal Pradesh
Itanagar.

5:The Under Secretary, Public Works Department Government of Arunachal Pradesh
Itanagar

Advocate for the Petitioner : Marto Kato

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 13-12-2023

Heard Mr. M. Kato, the learned counsel for the petitioner and Mr. N. Lowang, the learned senior Government Advocate for the State respondents.

2. In this petition under Article 226 of the Constitution of India the petitioner, M/s T.K Enterprise has prayed for issuing direction to the respondent authorities, more particularly to respondents No. 2 and 3 to allocate fund to the tune of Rs.44,49,540/-(Rupees Forty four Lakhs Forty Nine Thousand Five Hundred Forty)only for payment of pending liabilities in respect of the petitioner for construction of Sangram-Nyapin road and PWD main road to Circle Office, Kurung-Kumey District, Arunachal Pradesh.

3. Mr. M. Kato, the learned counsel for the petitioner submits that pursuant to the direction issued by this Court in WP(C) No. 165(AP)/2010 and in Review Petition No.03/2011, the Public Work Department, Govt. Of Arunachal Pradesh had settled and finalised the pending liabilities in respect of the petitioner to the tune of Rs.44,49,540/-(Rupees Forty four Lakhs Forty Nine Thousand Five Hundred Forty)only. Thereafter, the matter was forwarded to the

State respondents for allocation of funds for payment of the aforesaid liabilities, but, the State respondents have not allocated the fund for payment of aforesaid pending liabilities despite several request and pursuance. Therefore, Mr. M. Kato, the learned counsel for the petitioner submits that a direction may be issue to the respondents No. 2 and 3 to allocate fund to the tune of Rs.44,49,540/-(Rupees Forty Four Lakhs Forty Nine Thousand Five Hundred Forty)only in respect of the petitioner, and the matter may be disposed of.

4. Mr. N. Lowang, the learned senior Government Advocate submits that he had no objection in the event of disposing of this writ petition by issuing direction to the respondent No.2 and 3 to allocate fund for payment of pending liabilities in respect of the petitioner.

5. Having heard the submissions of the learned advocates of both sides, I have gone through the petition and the materials placed on record and also perused the Judgment and Order dated 19.07.2010, passed in WP(C) No.165(AP)/2010 and Review Petition No.03/2011. It appears that the Public Work Department, Govt. Of Arunachal Pradesh has settled and finalised the pending liabilities in respect of the petitioner amounting to Rs.44,49,540/-(Rupees Forty Four Lakhs Forty Nine Thousand Five Hundred Forty)only, but the

said amount has not yet been paid to the petitioner due to non-allocation of fund for the payment of the same

6. Having adjudged the submission of the learned advocates of both sides and also considering the facts and circumstances on record, this Court is inclined to disposed of this writ petition at the motion stage itself by directing the respondents No. 2 and 3 to make allocation of additional fund to the tune of Rs.44,49,540/-(Rupees Forty Four Lakhs Forty Nine Thousand Five Hundred Forty)only for payment of the pending liabilities of the petitioner within a period of 2(two) months from the date of receipt of a certified copy of this order. The petitioner shall obtain a certified copy of this order and furnished the same to the respondent authorities within one week from today.

Accordingly, this writ petition is disposed of.

JUDGE

Comparing Assistant