

GAHC010022042021



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

Case No. : WP(C)/851/2021

RATUL SARMAH
S/O LATE GANESH SARMAH, R/O KUMARANICHIGA GAON, P.O. RAJA
BHETA, P.S. DIBRUGARH, DIST. DIBRUGARH, ASSAM, PIN 786008

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECY. TO THE
GOVT. OF ASSAM, PUBLIC WORKS (ROADS) DEPTT., DISPUR, ASSAM
781006

2:THE COMM. AND SECY.
FINANCE DEPTT.
GOVT. OF ASSAM
DISPUR
ASSAM
GHY-6

3:THE CHIEF ENGINEER
PWRD
ASSAM
CHANDMARI
ASSAM AT GHY-3

4:THE ADDL. CHIEF ENGINEER
PWRD
EASTERN ZONE
DIBRUGARH

5:THE SUPERINTENDING ENGINEER
PWRD
DIBRUGARH ROAD CIRCLE

DIBRUGARH

6:THE EXECUTIVE ENGINEER
PWRD
DIBRUGARH RURAL ROADS DIVISION
DIBRUGARH

7:EXECUTIVE ENGINEER
P.W.D.
DIBRUGARH
LAHOWAL
TINGKHONG TERRITORIAL ROAD DIVISION
DIBRUGAR

For the Petitioner(s) : Mr. D. Gogoi, Advocate

For the Respondent(s) : Mr. R. Dhar, Standing Counsel, PWD

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 30.08.2023

1. The case of the Petitioner herein is that the Petitioner is aggrieved by the inaction on the part of the Respondent Authorities in making payment of the bills of the Petitioner. The case of the Petitioner herein is that the Petitioner has participated in the tender process for special repair and annual repair works of roads, Dibrugarh Road Division under Tengakhat Road Sub-Division. Being successful bidder, the Petitioner was issued 6 (six) formal work orders which are (I) CE/DEV/TB/326/02/12 dated 28.02.2002 (II) CE/ DEV/TB/326/02/13 dated 28.02.2002, (III) CE /DEV/TB/326/02/2001-02 dated 18.01.2002, (IV) CE /DEV/TB/326/02/14 dated 28.02.2002, (V) CE/DEV/TB /326/25/2001-02 dated 18.01.2002, and (VI) CE /DEV/TB/326/25/2001-02 dated 18.01.2002. It was further mentioned in the formal work orders that the work be completed within

a period of 3 (three) months from the date of issue of formal work order.

2. It is the case of the Petitioner that the Petitioner successfully executed the works and to that effect completion certificates were also issued and accordingly submitted the bills for the said works. As per the Petitioner, the Petitioner is entitled to amount of Rs.1,52,89,990/-. It is the further case of the Petitioner that the Petitioner had submitted various representations to the Respondent Authorities time and again for release of the amount however the said amount of Rs.1,52,89,990/- is still pending, for which the Petitioner has approached this Court under Article 226 of the Constitution.

3. Mr. R. Dhar, the learned Standing counsel appearing on behalf of the Public Works (Roads) Department submitted that as to whether the Petitioner has completed the work in terms with the work orders in question is a subject matter of verification which needs to be carried out by the Respondent Authorities and it is only on the basis of such verification, the actual entitlement of the Petitioner could be ascertained.

4. Upon hearing the learned counsels for the parties, this Court is of the opinion that the interest of justice would be met if a direction is given to the Respondent Authorities to verify as to whether the Petitioner has completed the work in accordance with the formal work orders mentioned hereinabove and thereupon to ascertain the exact amount to which the Petitioner is entitled to, if any.

5. It is under such circumstances, this Court therefore disposes of the instant writ petition thereby directing the Respondent Authorities more particularly the Respondent Nos. 2, 5 and 6 to verify the entitlement of the Petitioner on the basis of the tender conditions as well as the formal work orders which were

issued in favour of the Petitioner and as to whether the Petitioner has completed the work in question and thereupon, after verification if it is found that the Petitioner is entitled to any amount, the same should be paid to the Petitioner in terms with the judgment of the Full Bench of this Court in the case of ***Tamsher Ali and Others Vs. State of Assam and others reported in 2008 (4) GLT 1***. The said verification be completed within a period of 2 (two) months from the date a certified copy of the instant order is served upon the Respondent No.2.

6. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant