

GAHC010035562020



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

**Case No. : WP(C)/1390/2020**

ARUP KUMAR GHOSH  
S/O- LT. JATINDRA NATH GHOSH, R/O- BILASIPARA TOWN, W/NO. 3, P.O.  
AND P.S. BILASIPARA, DIST.- DHUBRI (ASSAM), PIN- 783348

VERSUS

THE STATE OF ASSAM AND 8 ORS.  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, URBAN  
DEVELOPMENT DEPTT., DISPUR, GHY-6

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
FINANCE  
DISPUR  
GHY-06

3:THE DIRECTOR OF MUNICIPAL ADMINISTRATION  
DISPUR  
GHY-06

4:THE BILASIPARA TOWN COMMITTEE  
REP. BY ITS EXECUTIVE OFFICER  
P.O. AND P.S. BILASIPARA  
DIST.- DHUBRI  
ASSAM  
PIN- 783348

5:THE CHAIRMAN  
BILASIPARA TOWN COMMITTEE  
P.O. AND P.S. BILASIPARA  
DIST.- DHUBRI  
ASSAM  
PIN- 783348

6:THE CHIEF ENGINEER PWD (BUILDING)  
ASSAM  
CHANDMARI  
GHY-3

7:THE ASSTT. ENGINEER  
PWD  
DHUBRI BUILDING DIVISION  
DHUBRI  
ASSAM  
P.O. AND P.S. DHUBRI  
DIST.- DHUBRI  
ASSAM

8:THE JUNIOR ENGINEER  
BILASIPARA TOWN COMMITTEE  
P.O. AND P.S. BILASIPARA  
DIST.- DHUBRI  
ASSAM  
PIN-783348

9:THE SUB-DIVISIONAL OFFICER (CIVIL)  
BILASIPARA  
P.O. AND P.S. BILASIPARA  
DIST.- DHUBRI  
ASSAM  
PIN-78334

**Advocate for the Petitioner** : MR. M HUSSAIN

**Advocate for the Respondent** : GA, ASSAM (R1,3,4,5,8,9)

**BEFORE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 06/11/2023**

Heard Mr. M.Hussain, learned counsel for the writ petitioner. Also heard Mr. M. Chetia, learned Junior Government Advocate, Assam, appearing for the respondent nos. 1, 3 & 9. Also heard Mr. A. Chaliha, learned Standing Counsel, Finance Department, Assam, appearing for the respondent no. 2

and Mr. B. Gogoi, learned counsel appearing for the respondent nos. 6 & 7.

The petitioner herein claims to have executed the work viz. "Execution of some additional work in respect of construction of Ground and First Floor of RCC Building for Fish and Meat Market at Bilasipara under 3<sup>rd</sup> Assam State Finance Commission for the year 2010-11" estimated for an amount of Rs. 11,23,709/- in terms of a tender floated by the Bilasipara Municipal Board. Out of the total outstanding dues, a sum of Rs. 4,32,767/- only has been paid to the petitioner leaving an outstanding dues of Rs. 6,91,641/- against the work so executed.

That apart, the petitioner also claims to have executed certain additional work, against which, outstanding dues of Rs. 8,83,085/- is payable to him. As per the case projected in the writ petition, the total outstanding dues of the writ petitioner is Rs. 15,74,726/-.

Since the authorities have failed to clear the outstanding dues of Rs. 15,74,726/-, as claimed by the petitioner, the instant writ petition has been filed seeking a Writ of Mandamus.

The matter was adjourned on earlier occasion(s) permitting the learned departmental counsel to obtain instruction. Today, when the matter is taken up, Mr. Chetia has produced a copy of the written instruction dated 06/06/2022 issued by the Executive Officer, Bilasipara Municipal Board, according to which, the balance amount due and payable to the petitioner will be cleared in installments, within one year.

However, it is to be noted herein that the period of one year, as projected in the written instruction dated 06/06/2022, has already expired but till today, the petitioner's bills have not been cleared.

It is not in dispute that the petitioner had executed the work and thereafter, raised bills against the outstanding dues, which are legitimately due and payable to him by the authorities.

If that be so, this Court does not find any justification to keep the writ petition pending any

further. This writ petition is accordingly disposed of with a direction upon the respondent nos. 4 & 5 to verify the claims of the petitioner and clear his outstanding dues, as expeditiously as possible, but not later than 31/03/2024. If necessary, the payments be released in installments to be completed within the outer limit of 31/03/2024. The remaining respondents to extend due cooperation in implementation of the Court's order.

It is also made clear that if for any reason, the amount found to be due and payable to the petitioner, is not cleared within the aforesaid time frame, the outstanding amount will carry interest @ 9% per annum with effect from 31/03/2024 till realisation.

With the above observation, the writ petition stands dispose of.

A copy of the written instruction dated 06/06/2022 be retained in the record of this case.

**JUDGE**

*sukhamay*

**Comparing Assistant**