

GAHC010051122022



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

Case No. : WP(C)/1936/2022

MUJAHIDUL ISLAM
S/O- HAJI SHAJAHAN ALI,
R/O- VILLAGE GOROIMARI SATRA,
P.O- TUKRAPARA, P.S- CHAYGAON,
DIST- KAMRUP , ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, WATER RESOURCE DEPARTMENT, DISPUR, GUWAHATI-781006,
ASSAM

2:THE EXECUTIVE ENGINEER
GUWAHATI WEST WATER RESOURCES DIVISION
GHY-9

3:THE SUPERINTENDING ENGINEER
PALASHBARI TOWN PROTECTION
WATER RESOURCE CIRCLE
GUWAHATI-9

4:THE CHIEF ENGINEER
WATER RESOURCES DEPTT.
GOVT. OF ASSAM
CHANDMARI
GHY-3

5:THE UNION OF INDIA
REPRESENTED BY ITS COMMISSIONER
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCE

RIVER DEVELOPMENT AND GANGA REJUVENATION NEW DELHI-110001

6:THE BRAHMAPUTRA BOARD
REP. BY THE CHAIRMAN

BASISTHA
GHY-29

7:THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT)
MAIDAMGAON
KRISHNA NAGAR
BELTOLA
GUWAHATI
ASSAM
PIN-78103

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

30.01.2023

Heard Ms. F. Intaz, learned counsel for the petitioner. Also heard Shri B. Goswami, learned Additional Advocate General, Assam representing the State respondents whereas Shri B. Chakraborty, learned CGC is present for the respondent nos. 5 & 6 and Shri R. Ahmed, learned Standing Counsel, AG for the respondent no. 7.

2. Considering the subject matter in dispute and also the development which has taken place in the meantime, this writ petition is taken up for disposal at the admission stage.

3. The petitioner has prayed for release of contractual bills for works done under the Water Resources Department. It is the case of the petitioner that various works were allotted to the petitioner by the Water Resources Department which were executed successfully and as a consequence thereof, the bills were raised which are

yet to be cleared. Accordingly, this writ petition has been filed. Learned counsel for the petitioner submits that in the meantime, this Court in a bunch of writ petition including WP(C)/4734/2021 wherein this Court vide an order dated 27.09.2022 had disposed of the writ petition after hearing the parties and taking into consideration the facts and circumstances.

4. Shri B. Goswami, learned Additional Advocate General, Assam by referring to the written instruction dated 20.01.2023 has submitted that the liability raised for execution of the scheme for construction of Dyke at Goroimari Majortop area and are under Flood Management Program (FMP), the schemes were taken up during the XI Plan (2007-12). He further submits that sharing pattern between the Center and the State was 90:10 which was thereafter changed to 80:20 and in some of the schemes, the sharing pattern is 70:30. The instruction further states that the payments are pending in 24 numbers of schemes due to lack of funds to be released from the side of the Central Government. He further submits that the States' share had already been cleared.

5. As mentioned above, this Court had disposed of a series of matters under the Flood Management Program and had passed certain directions. The parties are in agreement that the said direction may also be passed in the present case.

6. In view of the above, the present case is disposed of with the same direction passed in WP(C)/4734/2021 dated 27.09.2022, which are extracted hereinbelow:

“In view of the above, the writ petition is being disposed of with the following directions:-

(1) Within 15 (fifteen) days from today, the concerned official of the State Government of Assam will communicate the supplementary budget passed in the last Assembly Session pertaining to the scheme to the competent authority of the Ministry of Jal Shakti, Government of India.

(2) Within 60 (sixty) days from the date of receipt of such communication, the Ministry of Jal Shakti to release the amount due under the schemes to the concerned Department of the Government of Assam.

(3) Upon receipt of the amount, bills of the writ petitioner shall be processed and cleared within a further period of 45 days.

In view of the directions issued herein above, the respondents to complete the entire process within a period of four months from today.”

7. A copy of this order be furnished to Mr. B. Goswami, learned Addl. Advocate General, Assam.
8. The written instructions dated 20.01.2023 be kept as a part of the record of this case.
9. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant