

GAHC010051912021



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

Case No. : WP(C)/2023/2021

BHASKAR JYOTI MAHANTA
S/O LATE SARAT CHANDRA MAHANTA,
RESIDENT OF KARANGA KATHAR SATRA, PO KARANGA, DIST JORHAT,
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PWD DEPARTMENT, DISPUR, GUWAHATI 06

2:THE CHIEF ENGINEER

PWD DEPARTMENT
CHANDMARI
GUWAHATI 03

3:THE EXECUTIVE ENGINEER
PWD DEPARTMENT
JORHAT ELECTORAL DIVISION
PO AND DIST JORHAT
ASSAM 785001

4:THE ACCOUNT OFFICER
PWD DEPARTMENT
JORHAT ELECTORAL DIVISION
PO AND DIST JORHAT
ASSAM 78500

For the petitioner (s) : Mr. A. Ali, Advocate

For the respondent (s) : Mr. P. Nayak, SC, PWD

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

13.10.2023

The instant writ petition has been filed by the petitioner challenging the inaction on the part of the respondent authorities in releasing the outstanding contractual bill amount of Rs.9,06,628/- to which the petitioner is entitled to upon completion of the works allotted to him by the Executive Engineer, PDW, Jorhat Division.

2. The case of the petitioner herein is that the petitioner is the proprietor of M/S Mahanta Electrical situated at Cinamara Jorhat, Assam and he is a contractor by profession in the Department of PWD having its licence No.2768. It is the further case of the petitioner that the Executive Engineer of PWD, Jorhat Divisional Office issued an work order dated 24-12-2007 to complete various works, and accordingly, the petitioner completed those works and his contractual works were duly inspected by the respondents and found to be correct and thereafter the completion certificates were issued to him.

3. It is alleged that on completion of the works in a time bound manner, the petitioner submitted the final bill for release of the outstanding bill amount of Rs.9,06,628/-. The petitioner is, however, aggrieved that in spite of submission of the necessary documents and completion of the work, the respondent authorities have not made payment to the petitioner's entitlement. It is under such circumstances, the instant writ petition has been filed.

4. Mr. P. Nayak,, the learned counsel appearing on behalf of the respondent PWD submits that the entitlement of the petitioner would be dependent upon further verification to be carried out by the respondent authorities.

5. Upon perusal of the materials on record, this Court is of the opinion that if the petitioner had completed the works in question, the petitioner would be entitled to the amount as claimed. However, for the same, verification on the part of the respondent authorities would be required.

6. This Court, therefore, disposes of the instant writ petition with a direction upon the respondent authorities to verify as to whether the petitioner had completed the works in question as per the allotment of the works and also as to whether the petitioner had submitted requisite documents which are required for the purpose of releasing the amount claimed by the petitioner.

7. This Court further directs that upon verification, if it is found that the petitioner is entitled to, the respondent authorities shall pay to the petitioner the entitlement as per the directions contained in the judgment of the Full Bench of this Court in ***Tamsher Ali vs. State of Assam & Others.***

8. The said exercise for verification be completed with a period of 30 (thirty) days from the date a certified copy of the instant order is served upon the respondent No.2.

JUDGE