

GAHC010055322023



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

Case No. : WP(C)/1465/2023

M/S SARU STEEL INDUSTRY
DADARA, KAMRUP, ASSAM-781104, REPRESENTED BY ITS SOLE
PROPRIETOR SHRI KARUNA KANTA DAS, S/O- LATE LAVO RAM DAS, R/O-
DADARA, P.O. DADARA, P.S. HAJO, DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI-
781006.

2:PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEAD QUARTERS
ULUBARI
GUWAHATI-781007.

4:THE SUPERINTENDENT OF POLICE
KAMRUP
AMINGAON
ASSAM
PIN- 781031

Advocate for the Petitioner : MR. DITUL DAS
Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 23.06.2023

Heard Mr. D. Das, learned counsel for the petitioner.

Also heard Mr. J. Handique, learned Government Advocate, as well as Mr. R. Borpujari, learned standing counsel, Finance Department, appearing on behalf of their respective respondents.

This writ petition has been filed, for a direction to the respondent authorities to pay to the petitioner a sum of Rs. 94,07,400/- pursuant to the works executed by him in terms of various work orders issued by the Superintendent of Police, Kamrup, Amingaon, dated 06.03.2021, vide various Memo. Nos., which are, as under:

- “1. Memo. No. KP(R)/Q/Assembly Election/2021/53
2. Memo. No. KP(R)/Q/Assembly Election/2021/53
3. Memo. No. KP(R)/Q/Assembly Election/2021/57
4. Memo. No. KP(R)/Q/Assembly Election/2021/63
5. Memo. No. KP(R)/Q/Assembly Election/2021/64
6. Memo. No. KP(R)/Q/Assembly Election/2021/67
7. Memo. No. KP(R)/Q/Assembly Election/2021/68
8. Memo. No. KP(R)/Q/Assembly Election/2021/69
9. Memo. No. KP(R)/Q/Assembly Election/2021/73
10. Memo. No. KP(R)/Q/Assembly Election/2021/75
11. Memo. No. KP(R)/Q/Assembly Election/2021/78
12. Memo. No. KP(R)/Q/Assembly Election/2021/79
13. Memo. No. KP(R)/Q/Assembly Election/2021/80
14. Memo. No. KP(R)/Q/Assembly Election/2021/82
15. Memo. No. KP(R)/Q/Assembly Election/2021/82(B)
16. Memo. No. KP(R)/Q/Assembly Election/2021/82(A)”

The respondent No. 4 i.e. Superintendent of Police, Kamrup, has filed the affidavit-in-opposition wherein, in paragraph No. 6, it has been stated, as under:

“6. That with regards to the statements made in paragraphs 6 and 8 of the writ petition the deponent state that as per records, a legal notice has been received from Mr. Makibul Hoque, Advocate, Gauhati High Court, Guwahati, in connection with non payment of outstanding amounts for the work order issued by the Suptd. Of Police, Kamrup. But the proposals in respect of the above mentioned work orders have already been sent to the Assam Police Headquarters, Ulubari, Guwahati through the Deputy Inspector General of Police(CWR), Assam, Guwahati vide Office Memo No. KP(R)/Q/Assembly Election/2021/294 dated 15/06/2021 for necessary action and administrative approval but till date no sanction has been received from the Assam Police Headquarters, Ulubari, Guwahati. As soon as the sanction is received from the Assam Police Headquarters, further action will be taken at our end for payment of the bills.”

On perusal of paragraph No. 6 of the affidavit-in-opposition filed by the respondent No. 4; it is noticed that while not denying the works executed by the petitioner and the amount payable to him, as contended by the petitioner in the writ petition; the respondent No. 4 has stated that a proposal, in respect of the work orders issued to the petitioner as well as the works executed by the petitioner, was sent to the Assam Police Headquarters for necessary sanction and administrative approval but till date, no sanction has been received from the Assam Police Headquarters but as soon as the sanction is received from the Assam Police Headquarters, Ulubari, Guwahati, further necessary action will be taken for payment of the bills to the petitioner.

It is, thus, clear from the above that the respondents have not denied the liability to pay to the petitioner a sum of Rs. 94,07,400/- for the works executed by him in terms of the various work orders issued by the Superintendent of Police, Kamrup, Amingaon, as noted hereinabove.

Accordingly, since the liability to pay to the petitioner, the amount claimed by him, in the instant case, has not been denied by the respondents in the affidavit-in-opposition filed; this writ petition is hereby disposed of by directing the respondents No. 3 and 4 i.e. the Director General of Police, Assam Police Headquarters, Ulubari,

Guwahati, and the Superintendent of Police, Kamrup, Amingaon, respectively, to pay to the petitioner a sum of Rs. 94,07,400/- for the works executed by him in terms of the various work orders issued by the Superintendent of Police, Kamrup, Amingaon, as noted hereinabove, within a period of 2(two) months from the date of receipt of a certified copy of this order.

The writ petition stands disposed of, in terms above.

JUDGE

Comparing Assistant