

GAHC010059022022



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

Case No. : WP(C)/2204/2022

NAWAL KISHOR SAHANI
S/O LATE RAGHUBIR SAHANI, R/O PUSPALAYA APARTMENT, C-4, MRD
ROAD SILPUKHURI, GUWAHATI-781003, KAMRUP(M), ASSAM

VERSUS

THE INDIAN INSTITUTE OF TECHNOLOGY AND 5 ORS
GUWAHATI, PIN-781039, DIST-KAMRUP(M), ASSAM

2:ASSISTANT REGISTRAR (R AND D)
INDIAN INSTITUTE OF TECHNOLOGY
RESEARCH AND DEVELOPMENT GUWAHATI
PIN-781039
DIST-KAMRUP(M)
ASSAM

3:TECHNICAL OFFICER (GRADE-I)-CUM PERSONAL INVESTIGATOR (I/C)
BDTC-IITG
SCHOOL OF ENERGY SCIENCE AND ENGINEERING
INDIAN INSTITUTE OF TECHNOLOGY
GUWAHATI-781039
KAMRUP(M)
ASSAM

4:PROFESSOR OF CHEMISTRY AND DEAN
RESEARCH AND DEVELOPMENT
INDIAN INSTITUTE OF TECHNOLOGY
GUWAHATI-781039
KAMRUP(M)
ASSAM

5:SCIENTIST-D

MINISTRY OF NEW AND RENEWABLE ENERGY
BIOGAS TECHNOLOGY DEVELOPMENT DIVISION
BLOCK-14
CGO COMPLEX
LODHI ROAD
NEW DELHI-110003

6:THE UNION OF INDIA
MINISTRY OF NEW AND RENEWABLE ENERGY
THROUGH THE SECRETARY TO THE GOVT. OF INDIA
NEW DELHI-11000

Advocate for the Petitioner : MR. S SAHU

Advocate for the Respondent : SC, IIT

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 25-09-2023

Mr. J. Singh, learned counsel for the petitioner; Mr. S. Sutradhar, learned counsel for the respondent nos. 1 – 4; and Mr. K. Gogoi, learned Central Government Counsel for the respondent nos. 5 & 6.

2. The petitioner was awarded a contract work :- 'Installation of 3m³ size Bio-Gas plant with required G.I. Pipe, P.V.C. pipe' [the Contract-Work, for short], vide a Work Order no. 1008/CFF/P/PM/03/3269 dated 08.03.2017, and the petitioner has claimed that he had successfully completed the same as the respondent no. 4 acknowledging the installation of 500 nos. of Bio-Gas plants, issued a Work Completion Certificate on 22.04.2019. The petitioner had thereafter, submitted a final bill amounting to Rs. 91,84,000/- in respect of the Contract-Work. When the respondent authorities did not disburse the said amount for a substantial period of time, the petitioner had instituted the instant

writ petition.

3. Mr. Singh, learned counsel for the petitioner has submitted that the petitioner has received an amount of Rs. 90,00,320/- recently. It is submitted by him that the respondent authorities have not disclosed the reason as to why an amount of Rs. 1,83,680/- has not been disbursed to the petitioner.

4. Mr. Sutradhar, learned counsel appearing for the respondent nos. 1- 4 has submitted on instructions, that the amount of Rs. 1,83,680/- has been deducted from the final bill of the petitioner as Tax Deducted at Source [TDS] in terms of the provisions of Section 194C of the Income Tax Act.

5. In response, Mr. Singh, learned counsel for the petitioner has submitted that the writ petition, at this stage, can be closed, reserving the liberty to the petitioner to raise the grievance as regards the deduction of the amount of Rs. 1,83,680/- from the final bill of the petitioner. The said submission of Mr. Singh is not objected to by the learned counsel for the respondents.

6. Having regard to the broad consensus arrived at by the parties in the afore-stated manner and the fact that the petitioner had already received an amount of Rs. 90,00,320/- till date, this Court is of the considered view that instead of keeping the writ petition pending, the same can be closed, with the liberty to the petitioner to submit a representation as regards the deduction of the amount of Rs. 1,83,680/- from his final bill amount by the respondent authorities within a period of 2 [two] weeks from today. It is observed that on receipt of such representation, the respondent authorities shall consider the same on its own merits and in accordance with law and thereafter, disposes of the same by a speaking order within a period of 4 [four] weeks from the date of

receipt of such representation. It is accordingly ordered. No cost.

JUDGE

Comparing Assistant