

GAHC010060102022



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

Case No. : WP(C)/2196/2022

ASHUTOSH CHAKRABORTY
S/O- LT DHIRENDRA CHAKRABORTY, CLASS I(A) CONTRACTOR, R/O-
SELAIMARI, PO. AND P.S. KHAIRABARI, DIST.- UDALGURI, BTAD, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
IRRIGATION DEPTT., ASSAM, DISPUR, GHY.- 06.

2:THE CHIEF ENGINEER
IRRIGATION DEPTT.
ASSAM
CHANDMARI
GHY.-03.

3:THE EXECUTIVE ENGINEER
IRRIGATION DEPTT.
MANGALDOI DIVISION
MANGALDOI
DIST.- DARRANG (ASSAM).

4:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY.- 06

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : SC, IRRIGATION

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

17.07.2023

The instant writ petition has been filed challenging the inaction on the part of the respondent authorities in not making the payment of Rs.1,90,00,000/- for the work completed by the petitioner in terms with the formal work order dated 11.09.2015 for the work : "Sukhajani F.I.S. (Ph-II)" under A.I.B.P. – 2013-14 (Construction of C.C. Lined Canal from Ch. 2250- 4420 M of eastern canal and Ch.2050-3720 M of western canal) of Mangaldoi Division (I) valued at Rs. 2,25,00,000/-

2. The case of the petitioner herein is that the petitioner was awarded the work pursuant to a valid tender process and was issued a formal work order for the work of "Sukhajani F.I.S.(Ph-II)" under A.I.B.P. – 2013-14 of Mangaldoi Irrigation Division by the Chief Engineer, Minor Irrigation, Assam. The approximate value of the aforesaid work was fixed at Rs. 2,25,00,000/-. It is the further case of the petitioner that the petitioner completed the entire work and the Executive Engineer, Mangaldoi Irrigation Division, after various inspections and verifications, issued work done certificate being No.M/39/2018/1662 dated 01.08.2018. The further case of the petitioner is that out of the amount of Rs. 2,25,00,000/-, the petitioner has been paid only an amount of Rs.35,00,000/- and the amount of Rs.1,90,00,000/- still remains pending in spite of the petitioner approaching the respondent authorities from time and again. It is under such circumstances that the instant writ petition has been filed for an appropriate direction upon the respondent authorities to make the payment of Rs.1,90,00,000/- to the petitioner to which the petitioner

claims to be entitled to.

3. Mr. N. Upadhyay, the learned counsel appearing on behalf of the Irrigation Department submits that the question as to whether the petitioner has completed the entire work and as to whether the petitioner would be entitled to the further amount of Rs.1,90,00,000/- as has been sought for by the instant writ petition is a matter which needs to be verified at the end of the respondent authorities. He submits that it is only on the basis of such verification, the actual entitlement of the petitioner, if any, can be ascertained.

4. Taking into account the materials on record as well as the submission made by the Standing Counsel for the Irrigation Department, this Court finds it appropriate in the interest of justice to dispose of the instant writ petition and accordingly directs the respondent authorities to make necessary verification as regards the work done by the petitioner and upon necessary verification if it is found that the petitioner is entitled to any amount, the same be disbursed to the petitioner in accordance with the law laid down by the Full Bench of this Court in the case of ***Tamsher Ali vs. State of Assam & Others***, reported in ***2008 (4) GLT 1***. The said verification be done within a period of 1 (one) month from the date a certified copy of the instant order is submitted to the Chief Engineer, i.e. the respondent No.2.

5. With the above, the instant petition stands disposed of.

JUDGE

Comparing Assistant