

GAHC010070672018



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

Case No. : WP(C)/2259/2018

AMIYA KALITA
S/O LT. AKSHAYA KALITA
R/O HATIGAON HOUSING COLONY GUWAHATI-38
P.O. AND P.S. HATIGAON
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, PHE DEPARTMENT,
DISPUR, GUWAHATI-06.

2:SECRETARY TO THE GOVT. OF ASSAM

WATER RESOURCES DEPARTMENT CHANDMARI
GUWAHATI -3.

3:THE CHIEF ENGINEER

WATER RESOURCES DEPARTMENT

(PREVIOUSLY DEPARTMENT OF FLOOD CONTROL
GUWAHATI -3
GOVT. OF ASSAM
CHANDMARI
GUWAHATI-3.

4:THE EXECUTIVE ENGINEER

PHE DEPARTMENT

GUWAHATI DIVISION - II

CHANDMARI
GUWAHATI -21

For the petitioner (s) : None appears

For the respondent (s) : Mr. R. R. Gogoi, Advocate

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

18.09.2023

The instant writ petition has been filed by the petitioner challenging the inaction on the part of the respondent authorities in releasing the dues to which the petitioner is entitled to upon completion of the work allotted to him by the respondent authorities.

2. The case of the petitioner herein is that the petitioner is a registered Contractor of PHE Department, Assam. The petitioner being the registered contractor has been executing different Government contracts and supply works under Executive Engineer, PHE Department (Guwahati Division No II), Chandmari, Guwahati since last few years under different schemes of the Government of Assam. The petitioner on invitation of tender submitted his tender papers in the PHE Department (Guwahati Division No II), Chandmari, Guwahati, Assam. Thereafter, the respondent authorities issued different work orders to the petitioner and the petitioner completed the works allotted to him in time and raised bills before the respondent No.3, Executive Engineer, PHE Department (Guwahati Division No II),

Chandmari, Guwahati. Accordingly the respondents issued work orders-cum-completion certificate to the petitioner. The petitioner submits that he is to get Rs. Rs.5,47,507/ and this amount is to be due by the respondent authorities to the petitioner. It is under such circumstances, the instant writ petition has been filed.

3. Mr. R. R. Gogoi, the learned counsel appearing on behalf of the respondents submits that the entitlement of the petitioner would be dependent upon further verification to be carried out by the respondent authorities. Upon perusal of the materials on record, this Court is of the opinion that if the petitioner had completed the work 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.

4. 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 work in question as per the allotment of the work 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.

5. 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 to the extent of the work completed by the petitioner. It is made clear that if the petitioner had already been paid his dues, the directions passed herein shall not apply.

6. The said exercise be completed with a period of 4 (four) months

from the date a certified copy of the instant order is served upon the respondent No.3.

JUDGE

Comparing Assistant