

GAHC010083842018



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

Case No. : WP(C)/2646/2018

SHAH SULTAN GIASUDDIN AHMED
C/O- LATE AMIR ALI, VILL- LARMA GAURHATI, P.O- DHUBRI, P.S- KAYAN,
DIST- KAMRUP(R), ASSAM, PIN- 781350

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
PWD DEPTT, DISPUR, GUWAHATI- 6

2:THE HEALTH AND FAMILY WELFARE(A) DEPTT
REP. BY COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 6

3:THE FINANCE DEPTT
REP. BY COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 6

4:THE CHIEF ENGINEER
PWD BUILDING
ASSAM
CHANDMARI
GUWAHATI-3

5:SUPERINTENDENT ENGINEER
PWD
GUWAHATI BUILDING CIRCLE-II
CHANDMARI
GUWAHATI-3

6:THE DEPUTY COMMISSIONER
KAMRUP
GUWAHATI

7:EXECUTIVE ENGINEER
PWD
GUWAHATI BUILDING DIVISION-II
DISPUR
GUWAHATI-6

8:THE SUB DIVISIONAL MEDICAL AND HEALTH OFFICER
HAJO
DIST- KAMRU

For the Petitioner(s) : Mr. A. Islam, Advocate
For the Respondent(s) : Mr. D. Upamanyu, Advocate for Health Department
: Ms. S. Chutia, Advocate for Finance Department

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 02.08.2023

1. The instant writ petition is 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 Superintendent Engineer, PWD, Guwahati.
2. The case of the petitioner herein is that the Petitioner was allotted the work for construction and repairing of sub-centre building namely Dhuparguri Sub-Centre and Kaibartapara Sub-Centre in Kamrup District (R) under Annual Plan (SCCP) for the year 2008-2009 through tender process. The total value of the tender was Rs.13,03,854/-. After the completion of the work, the Petitioner has submitted the completion report to the Respondent authorities. Out of Rs.

13,03,854/-, the Petitioner received a total amount of Rs.8,13,124/- in two different installments. The first installment of Rs.3,25,000/- was received against the ceiling allotment dated 31.03.2011 and the second installment of Rs.4,88,124/- was received against the ceiling allotment dated 16.03.2013 and an amount of Rs.4,90,730/- still remains pending to be paid by the Respondent Authorities.

3. It has been alleged that the Respondent Authorities have been denying the payment of outstanding balance amount of Rs.4,90,730/- due to non-completion of electrical work by some other contractor in Ganeshtola sub-centre.

4. Mr. D. Upamanyu, the learned counsel appearing on behalf of the Respondents submits that there is no denial to the fact that the work in question was allotted to the Petitioner. The learned counsel for the Respondents however 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 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.

6. This Court, therefore, disposes of the instant writ petition with a direction to 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.

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 to the extent of the work done by the Petitioner.

8. The said exercise be completed with a period of 6 (six) months from the date a certified copy of the instant order is served upon Respondent No.2.

JUDGE

Comparing Assistant