

GAHC010093212018



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

Case No. : WP(C)/4110/2018

SRI GUNA KANTA GOGOI
S/O- SRI RUPESWAR GOGOI, R/O- VILL- TENGA AAM, MAJGAON, PO AND
PS GHILAMARA, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECY. TO THE GOVT. OF ASSAM, WATER RESOURCES DEPTT.,
DISPUR, GHY-6, ASSAM

2:THE CHIEF ENGINEER
WATER RESOURCES DEPTT.
CHANDMARI
GHY-3
ASSAM

3:THE ADDL. CHIEF ENGINEER
UPPER ASSAM ZONE
WATER RESOURCES DEPTT.
DIBRUGARH
ASSAM

4:THE SUPERINTENDING ENGINEER
LAKHIMPUR WATER RESOURCES CIRCLE
NORTH LAKHIMPUR
ASSAM
PIN- 787001

5:THE EXECUTIVE ENGINEER
DHAKUAKHANA WATER RESOURCES DVN
DHAKUAKHANA
DIST- LAKHIMPUR

ASSA

Advocate for the Petitioner : MR. P K MAZUMDAR

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 16.03.2023

Heard Mr. P. K. Mazumdar, learned counsel for the petitioner and Mr. B. Goswami, learned Addl. Advocate General appears for water resource department.

2. It is submitted by the learned counsel for the petitioner that in response to the work order issued on 20.01.2007 for construction of land spur at 19th KM of B/dyke from Sissikalghar to Tekeliphuta near Matmara (E/W by head load), the petitioner was awarded the work and as per the schedule of the work order the work was duly completed to the satisfaction of the respondent authorities. Work orders vide Memo No. W/8/2006/347 dated 20.01.2007, Memo No. SEL/W/Dh/19/2005-06/22 dated 29.01.2007, Memo No. SEL/W/Dh/19/2006-07/64 dated 22.03.2007, Memo No. SEL/W/Dh/21/2006-07/14 dated 30.03.2007 and Memo No. W-1/2001/7809 dated 11.09.01 which were duly executed. However the payment for works executed have not yet been released.

3. The learned counsel for the petitioner referring to Paragraph 7, Page-5 of the writ petition submits that a total bill value of Rs. 9,04,367/- (Rupees Nine lakhs Four thousand Three hundred Sixty seven) only has been left outstanding which has not been paid on account of the certain works allotted to him by the respondents. Although he had successfully completed the works allotted to him but the respondent authorities have not paid the aforesaid amount, which according to the petitioner, is an admitted amount. Being aggrieved, the present petition has been filed.

4. Upon hearing the learned counsels for the parties and upon perusal of the pleadings, this Court is of the view that this matter can be disposed of in terms of the directions contained in *Tamsher Ali and Ors Vs. State of Assam and Ors* reported in *2008 (4) GLT 1*, with a direction to the respondents more particularly respondent No. 2 to release the balance payments due to the petitioner as admitted by the Department.

5. Accordingly, this writ petition is disposed of with a direction to respondent no.2 Chief Engineer, Water Resources Department, Chandmari, Guwahati-3, Assam to verify the claims of the petitioner as per the Liability Statement stated to have been issued by the Executive Engineer, Dhakuakhana Water Resources Division, Dhakuakhana, District-Lakhimpur, Assam.

6. Upon due verification, if the claims of the petitioner are found to be admissible, the department will take steps to release the payments in terms of the guidelines issued by this Court in *Tamsher Ali (Supra)*.
7. Writ petition is accordingly disposed of.
8. No order as to cost.
9. The entire exercise shall be completed by the respondent no.2 within a period of 90 (Ninety) days from the date of receipt of the certified copy of this order.

JUDGE

Comparing Assistant