

GAHC010096572022



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

Case No. : WP(C)/3588/2022

RUSSELL ANISH
S/O. MAZIBUR RAHMAN, FAUZDARIPATTY, S.B ROAD, NAGAON, ASSAM,
PIN-782001.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, IRRIGATION
DEPTT., DISPUR, GUWAHATI.

2:THE CHIEF ENGINEER

IRRIGATION DEPTT.
GUWAHATI-03.

3:THE SUPERINTENDING ENGINEER

HOJAI CIRCLE (IRRIGATION).

4:THE EXECUTIVE ENGINEER

JAMUNAMUKH HOJAI- LAMDING DIVISION (IRRIGATION

For the Petitioner(s) : Mr. D. Kalita, Advocate

For the Respondent(s) : Ms. D. S. Neog, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 17.07.2023

1. The case of the Petitioner herein is that the Petitioner is aggrieved by the inaction on the part of the Respondent Authorities in not making payment of the bills of the Petitioner. The case of the Petitioner herein is that the Petitioner has participated in the tender process for supply and fabrication of steel floating barge of size 10.62m/4.58m/1.37m for L.I.S. from river Kapili at Waregading area (Point No.1) under A.I.B.P. for the year 2014-15 and for supply and fitting of G.I. Pipes and accessories for delivery side upto stilling Tank for L.I.S. from river Kapili at Hayang Gaon area (Point No.2) under A.I.B.P. for the year 2014-15. Being successful bidder, the Petitioner was issued two formal work orders which were MIN/NIT-5/Gr-(A)/2014-2015/2015 dated 07.12.2015 and MIN/NIT-8/Gr-(C)/2014-2015/3209 dated 05.02.2015. In the said formal work orders, the tender value were quoted as Rs.14,63,400/- and Rs.31,36,000/- respectively. It was further mentioned in the formal work order that the work be completed within a period of 30 days from the date of issue of formal work order.

2. It is the case of the Petitioner that the Petitioner successfully executed the works and accordingly submitted the bills for the said works. As per the Petitioner, the Petitioner is entitled to amount of Rs.13,17,060/- and Rs.28,22,400/- thereby totaling to Rs.41,39,460/-. It is the case of the Petitioner that the Petitioner had submitted various representations to the Respondent Authorities for release of the amount however the said amount of

Rs.41,39,460/- is still pending, for which the Petitioner has approached this Court under Article 226 of the Constitution.

3. Ms. D. S. Neog, the learned Standing counsel appearing on behalf of the Irrigation Department submits that as to whether the Petitioner has completed the work in terms with the work orders in question is a subject matter of verification which needs to be carried out by the Respondent Authorities and it is only on the basis of such verification, the actual entitlement of the Petitioner could be ascertained.

4. Upon hearing the learned counsels for the parties, this Court is of the opinion that the interest of justice would be met if a direction is given to the Respondent Authorities to verify as to whether the Petitioner has completed the work in accordance with the formal work order mentioned hereinabove and thereupon to ascertain the exact amount to which the Petitioner is entitled to, if any.

5. It is under such circumstances, this Court therefore disposes of the instant writ petition thereby directing the Respondent Authorities more particularly the Respondent Nos. 2, 3 and 4 to verify the entitlement of the Petitioner on the basis of the tender conditions as well as the formal work order which was issued in favour of the Petitioner and as to whether the Petitioner has completed the work in question and thereupon, after verification if it is found that the Petitioner is entitled to any amount, the same should be paid to the Petitioner in terms with the judgment of the Full Bench of this Court in the case of ***Tamsher Ali and Others Vs. State of Assam and others reported in 2008 (4) GLT 1***. The said verification be completed within a period of 1 (one) month from the date a certified copy of the instant order is served upon the Respondent No.2.

6. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant