

GAHC010141682021



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

Case No. : WP(C)/4523/2021

MAHANANDA KAKOTI
S/O PREMANATH KAKATI
RESIDENT OF VILLAGE MUGURIA
PO MUGURIA, PS PATACHARKUCHI
DIST BARPETA, ASSAM
VERSUS
THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
IRRIGATION DEPARTMENT, DISPUR GUWAHATI 06
2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR GUWAHATI 06
3:THE CHIEF ENGINEERASSAM
IRRIGATION DEPARTMENT
CHANDMARI
GUWAHATI 03
4:THE CHAIRMAN CUM MANAGING DIRECTOR
LOWER ASSAM
C.A.D AUTHORITY
CHANDMARI
GUWAHATI 03
5:THE EXECUTIVE ENGINEER
PAHUMARA RAPAHEE DIVISION (IRRIGATION) SARUPETA
ASSAM
781318

For the petitioner : Mr. H. Talukdar, Advocate.

For the respondents : Mr. N. Upadhyay, Advocate.

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

28.08.2023

1. The instant writ petition has been filed challenging the inaction on the part of the Respondent Authorities in not making the payment of Rs.3,01,255/- for the work completed by the Petitioner in terms with the formal work order dated 05.12.2011 for CAD Works to Pahumara Irrigation Scheme for the year 2011-12 Construction of W.C. (3 cusec) from 175.594m to 315.879m at Ch. 3200m (R/B) of B1 Canal including 1 (one) CD structure.

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 CAD Works to Pahumara Irrigation Scheme for the year 2011-12, Construction of W.C. (3 cusec) from 175.594m to 315.879m at Ch. 3200m (R/B) of B1 Canal including 1 (one) CD structure. The approximate value of the aforesaid work was fixed at Rs. 6,24,944/-. The further case of the Petitioner is that out of the amount of Rs. 5,79,255/-, the Petitioner has been paid only an amount of Rs.2,78,000/- and the amount of Rs.3,01,255/- still remains pending in spite of the Petitioner approaching the Respondent Authorities from time and again. It is the further case of the Petitioner that the Petitioner completed the entire work and the Executive Engineer, Pahumara Rupahi Division (Irrigation), Sarupeta vide his letter no. PRID/NED-36/Pt-II/2015/1396 dated 07.12.2020 furnished the information as regards bill, payment and payment to be done to the five contractors including the Petitioner and as per that an amount of Rs.3,01,255/- is yet to be paid to the petitioner. 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. 3,01,255/- 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. 3,01,255/- 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.3.

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

JUDGE

Comparing Assistant