

GAHC010177802020



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

Case No. : WP(C)/5257/2020

LAKHI DIHINGIA
S/O SRI INDRAJIT DIHINGIA, WARD NO. 4, NATUN NAGAR, DHEMAJI, P.O.
AND P.S. DHEMAJI, DIST. DHEMAJI, ASSAM, PIN 787057

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, WATER
RESOURCES DEPTT., DISPUR, GUWAHATI 6, ASSAM.

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

3:THE SUPERINTENDING ENGINEER
LAKHIMPUR WATER RESOURCES CIRCLE
WATER RESOURCES DEPTT.
NORTH LAKHIMPUR
ASSAM.

4:THE EXECUTIVE ENGINEER
DHEMAJI WATER RESOURCES DIVISION
DHEMAJI
ASSAM.

5:THE SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (GENERAL) DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

6:THE DEPUTY COMMISSIONER
DHEMAJI
DHEMAJI
ASSA

Advocate for the Petitioner : MR. P K MAZUMDAR

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

07.08.2023

The instant writ petition has been filed challenging the inaction on the part of the respondent authorities in not making the payment of Rs.77,34,734/- for the work completed by the petitioner in terms with the formal work order dated 12.06.2018 for the work : "*Immediate measure for closing of breach and restoration of flood damages to the M/E along L/B of river Kumatiya from NH-15 to Gurathall chapori under SDRF for 2017-18 (Breach closing near Adarsha Gaon)*"

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 the work of "*Immediate measure for closing of breach and restoration of flood damages to the M/E along L/B of river Kumatiya from NH-15 to Gurathall chapori under SDRF for 2017-18 (Breach closing near Adarsha Gaon)*". It is the further case of the petitioner that the petitioner completed the entire work and the Deputy Commissioner, Dhemaji, after various inspections and verifications, issued work done certificate being No.DRR03/2019/20 dated 04.02.2019. The further case of the petitioner is

that though the petitioner has been approaching the respondent authorities from time and again, but the respondent authorities did not pay the said bill amount to the petitioner, and as such, the instant writ petition has been filed for an appropriate direction upon the respondent authorities to make the payment of Rs.77,34,734/- to the petitioner for the work completed by him in terms with the formal work order dated 12.06.2018 to which the petitioner claims to be entitled to.

3. Mr. B. Goswami, the learned Additional Advocate General submitted that the Water Resources Department had duly allotted the work to the petitioner and it is also verified that the petitioner has completed the work in question. It is the further submission of Mr. B. Goswami, the learned Additional Advocate General that as per the records maintained by the Water Resources Department, the petitioner is entitled to the amount so certified by the officials of the Water Resources Department

4. Ms. P. R. Mahanta, the learned counsel representing the Revenue and Disaster Management Department submitted on instructions so received that on account of the relevant documents not received by the Revenue and Disaster Management Department from the Deputy Commissioner, Dhemaji, the said Department is not in a position to release the fund.

5. Ms. S. Sarma, the learned counsel appearing on behalf of the Deputy Commissioner, Dhemaji submitted that the Deputy Commissioner, Dhemaji shall forthwith take appropriate steps for sending the relevant documents to the Revenue and Disaster Management Department so that the necessary funds can be released for payment of the entitlement of the petitioner.

6. This Court further finds it relevant to take note of the instructions so placed by Ms. P. R. Mahanta, the learned counsel issued by the Joint

Secretary to the Government of Assam, Revenue and Disaster Management (General) Department which is kept on record and marked with the letter "X".

7. Taking into account the submission of Mr. B. Goswami, the learned Additional Advocate General representing the Water Resources Department whereby he submitted on instructions that the petitioner is entitled to the amount to the extent so verified by the concerned officials of the Water Resources Department and from the perusal of the materials on record, it shows that the Deputy Commissioner, Dhemaji vide Annexure-3 series informed the Secretary to the Government of Assam, Revenue and Disaster Management (General) Department that the work has been completed satisfactorily as per the plan and estimate, this Court finds no reason as to why the petitioner should not be paid his dues for the work he has duly completed. This Court further takes note of the communication which is kept on record and marked with the letter "X" whereby the Joint Secretary to the Government of Assam, Revenue and Disaster Management (General) Department has also stated that on account of non-receipt of the documents in question from the Deputy Commissioner, Dhemaji the fund could not be released.

8. Taking into account the above, this Court, therefore, disposes of the instant writ petition thereby directing the Deputy Commissioner, Dhemaji to forthwith and not later than 15 days from the date a certified copy of the instant order is served upon him to place the materials/documents before the Joint Secretary to the Government of Assam, Revenue and Disaster Management (General) Department.

9. This Court further directs the Secretary to the Government of Assam, Revenue and Disaster Management (General) Department to release the

necessary funds on the basis of the documents so submitted by the Deputy Commissioner, Dhemaji so that the petitioner could be paid his entitlement to the extent that the petitioner is entitled to.

10. The petitioner is further directed to serve a certified copy of the instant order upon the Joint Secretary to the Government of Assam, Revenue and Disaster Management (General) Department for necessary compliance.

11. The entire exercise be completed by the respondent authorities within a period of 6 (six) months from the date a certified copy of the instant order is served upon the Deputy Commissioner, Dhemaji as well as the Joint Secretary to the Government of Assam, Revenue and Disaster Management (General) Department.

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

JUDGE

Comparing Assistant