GAHC010191952022

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

Case No. : WP(C)/6222/2022

NIRMAL KANTI DEB
SON OF LATE NANDA KUMAR DEB

RESIDENT OF VILLAGE- MUNDOMALA

P.O. AND P.S. PATHERKANDI

DISTRICT- KARIMGANJ
ASSAM

PIN- 788724.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
F-BLOCK
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6.

2:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (GENERAL) DEPARTMENT
DISPUR
GUWAHATI-6.
3:THE DEPUTY COMMISSIONER
KARIMGANJ
P.O. AND DISTRICT- KARIMGANJ
ASSAM
PIN- 788712.
4:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM

WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-6.
5:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT

CHANDMARI
GUWAHATI-3.
6:THE EXECUTIVE ENGINEER
WATER RESOURCES DIVISION
KARIMGANJ
P.O. AND DIST.- KARIMGANJ

ASSAM
PIN- 788712.
7:THE ASSISTANT EXECUTIVE ENGINEER

PATHARKANDI WATER RESOURCES SUB-DIVISION

PATHERKANDI

DISTRICT- KARIMGANJ
ASSAM

PIN- 788724.
8:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-6

Advocate for : DR. B AHMED
Advocate for : SC
REVENUE appearing for THE STATE OF ASSAM AND 7 ORS

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 26.07.2023

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 was

entrusted to execute the work namely "Immediate Measure to extension of embankment along B/B of River Longai from Chandkhira PWD bridge to Katabari & B/B of Deolakhal under SDRF for 2016-17 (Breach closing work at B/B of Deolakhal)" under Group No.1 (one) at chainage/location 1085-1103 M (R/B) vide Work Order bearing No.KXJ/T-10/WO/CS-I/Deolakhal/2016-17/3 dated 28.12.2016 and Work Order No.KXJ/T-10/WO/Shutter/2016-17/5 dated 24.02.2017 issued by the Executive Engineer, Water Resources Division, Karimganj. In the said work orders, the tender values were quoted as Rs.11,40,366/- and Rs.1,17,686/- respectively.

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.9,39,193/- and Rs.1,17,738/- thereby totaling to Rs.10,56,931/-. 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.10,56,931/- is still pending, for which the Petitioner has approached this Court under Article 226 of the Constitution.

3. Mr. C. Sharma, the learned counsel appearing on behalf of the Water Resources Department submits that the Water Resources Department duly admits the claim of the Petitioner and the non-payment of the dues of the Petitioner is on account of non-receipt of the funds.

4. Ms. P. Mahanta, the learned counsel appearing on behalf of the Revenue Department has submitted that the justification report had already been received from the Deputy Commissioner, Karimganj wherein the entitlement of

the Petitioner have been admitted and as such the Revenue Department would be disbursing the said amount to the Deputy Commissioner, Karimganj who in turn shall disburse the amount to the Petitioner.

5. Taking into account the admitted stand of the Respondent Authorities where there is no denial to the entitlement of the Petitioner and that the process of verification is also complete, this Court therefore directs the Principal Secretary, Government of Assam, Revenue and Disaster Management to release the funds to the Deputy Commissioner, Karimganj within a period of 45 days from the date a certified copy of the instant order is served upon the Principal Secretary to the Government of Assam, Revenue and Disaster Management Department. The Deputy Commissioner, Karimganj immediately upon receiving the amount shall and not later than 15 days from the date of receipt of the funds from the Revenue and Disaster Management Department, release the said amount to the Petitioner.

6. A certified copy of the instant order be also furnished to the Deputy Commissioner, Karimganj for effective compliance.

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

JUDGE

Comparing Assistant