

GAHC010191952022



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

**Case No. : WP(C)/6484/2022**

GOPI SINHA  
S/O- LATE KUNJESWAR SINHA

R/O- VILLAGE- RAJARGAW

P.O AND P.S- PATHERKANDI  
DIST- KARIMGANJ  
ASSAM  
PIN-788724

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
REVENUE AND DISASTER MANAGEMENT F BLOCK  
ASSAM SECRETARIAT

DISPUR  
GUWAHATI-6.

2:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

DISPUR  
GUWAHATI-6.

3:THE DEPUTY COMMISSIONER  
P.O AND DIST- KARIMGANJ  
ASSAM  
PIN-788712

4:THE ADDL. CHIEF SECRETARY  
TO THE GOVT. OF ASSAM  
WATER RESOURCES DEPARTMENT

DISPUR  
GUWAHATI-6.  
5:THE CHIEF ENGINEER

WATER RESOURCES DEPARTMENT  
ASSAM  
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  
DIST- KARIMGANJ  
ASSAM  
PIN-788724  
8:THE PRINCIPAL SECRETARY  
TO THE GOVT. OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GUWAHATI-6.

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For the Petitioner(s) : Mr. K. Uddin, Advocate  
  
For the Respondent(s) : Ms. P. Mahanta, Advocate  
: Mr. C. Sarmah, Advocate

**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 Deolakhali under SDRF for 2016-17 (Breach closing work at B/B of Deolakhali)" under Group No.1 (one) at chainage/location 2425-2443 M (R/B) vide Work Order bearing No.KXJ/T-10/WO/CS-I/Deolakhali/2016-17/2 dated 28.12.2016 and Work Order No.KXJ/T-10/WO/Shutter/2016-17/7 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.11,41,074/- 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.9,09,508/- and Rs.1,17,771/- thereby totaling to Rs.10,27,279/-. 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.10,27,279/- is still pending, for which the Petitioner has approached this Court under Article 226 of the Constitution.

3. It appears from the records that the Chief Engineer, Water Resources Department i.e. the Respondent No.5 has filed an affidavit-in-opposition on 15.03.2023. In the said affidavit, the allotment to the work was duly permitted. It was further stated that upon execution of the works, bills for both the works amounting to Rs.10,27,279/- were lying in the Office of the Respondent No.6 and accordingly demand was submitted by a communication dated 09.01.2020. The Respondent No.5 had further admitted that the bill amount of

Rs.10,27,279/- has been arisen based on the actual work, although the work order value was Rs.12,58,942/-. It has been further mentioned that the Office of the Respondent No.5 had raised the demand vide letter dated 09.01.2020 for payment of bills to the Office of the Deputy Commissioner, Karimganj. However, payment could not be made to the Petitioner due to non-receipt of fund from the Revenue and Disaster Management Department.

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**