

GAHC010202032022



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

Case No. : WP(C)/6511/2022

AMARJIT MEDHI

S/O- LT. PARESH CH. MEDHI, R/O- NEAR DURGA MANDIR, P.O. AND P.S.
FATASHIL AMBARI, GHY, DIST.- KAMRUP (M), PIN- 781025, ASSAM

VERSUS

THE GUWAHATI MUNICIPAL CORPORATION AND 3 ORS
REP. HEREIN BY ITS COMMISSIONER, PANBAZAR, GHY, ASSAM- 781001

2:THE COMMISSIONER
THE GUWAHATI MUNICIPAL CORPORATION
PANBAZAR
GHY
ASSAM- 781001

3:THE CHIEF ENGINEER
THE GUWAHATI MUNICIPAL CORPORATION
PANBAZAR
GHY
ASSAM- 781001

4:THE DIVISIONAL EXECUTIVE ENGINEER
DIVISION NO. IV
THE GUWAHATI MUNICIPAL CORPORATION
BHARALU
GHY
ASSAM- 78100

Advocate for the Petitioner : MR. D GOGOI

Advocate for the Respondent : SC, GMC

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

10-02-2023

Heard Mr. D. Gogoi, learned counsel for the petitioner. Also heard Mr. S. Bora, learned standing counsel, GMC, appearing on behalf of respondents.

2. This writ petition is filed by the petitioner seeking directions from this Court for release of payments in respect of works executed by the petitioner under the Guwhati Municipal Corporation.

3. The Petitioner, by order dated 24-02-2021, was directed to undertake the work for construction of Madhab Kandali Path, Sankarpur with both side drain under the award of 14th Finance Commission for the financial year 2019-20 during the financial year 2020-21, by the respondent No. 2, Commissioner, Guwahati Municipal Corporation, Assam, as the bid of the petitioner was found successful.

4. The petitioner, thereafter, proceeded with the work in accordance with the Annexure-B to the writ petition (Issue of Notice to proceed with work), dated 24-02-2021, issued by the Commissioner, Guwahati Municipal Corporation.

5. After completion of the aforesaid work within the stipulated to the full satisfaction of the respondents, the petitioner raised bill but the respondent authorities have not cleared the said bill of the petitioner.

6. According to the petitioner the outstanding bill to be paid by the respondent authorities in respect of the said work amounts to Rs.41,10,000/-. Although assurances were given to the petitioner, the outstanding amount has not been released till date. Being aggrieved, the present writ petition has been filed seeking appropriate directions from this Court.

7. The learned counsel appearing for the Guwahati Municipal Corporation submits that the claims of the petitioner are required to be verified by the Department and if found payable it can be released subject to availability of funds.

8. Having heard the learned counsels for the parties, this Court is of the view that the matter can be disposed of in terms of the directions contained in **Tamsher Ali and Ors Vs. State of Assam and Ors.**, reported in **2008 (4) GLT 1**, by directing the respondent authorities, more particularly, respondents No. 2, namely, the Commissioner, Guwahati Municipal Corporation, to verify the claims of the petitioner and if the claims are found to be genuine then the amount raised in the bills shall be released. While releasing such outstanding amounts, the Department will make necessary adjustments in respect of earlier amounts that might have been released.

9. The entire exercise of verification of the claims of the petitioner shall be completed within a period of 90 (Ninety) days from the date of receipt of the certified copy of this order

10. The writ petition is closed and disposed of in terms of the above.

JUDGE

Comparing Assistant