

GAHC010223862018



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

Case No. : WP(C)/6986/2018

JISOYA KHAHLARI
S/O NANDESWAR KAKLARI, RESIDENT OF VILLAGE- MORIPARA,
HAMREN, PO- SASTRAPARA, PS- DUALGURI, PIN- 784510, DIST-
UDALGURI, BTAD ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME, DISPUR, PIN- 781006, DIST.-
KAMRUP(M), ASSAM.

2:THE SUPERINTENDENT OF POLICE
UDALGURI
BTAD
ASSAM. SANKAR NAGAR RD.
UDALGURI
ASSAM 784509.

3:THE HEAD ACCOUNTANT/ ACCOUNTANT
OFFICE OF THE SUPERINTENDENT OF POLICE
UDLAGURI. SANKAR NAGAR RD
UDALGURI
ASSAM 784506

4:THE M.T.O./ I.C
CLOTHING
POLICE RESERVE UDALGURI
SANKAR NAGAR RD
UDALGURI
ASSAM 784509

Advocate for the Petitioner : MR. D GOGOI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : **22/09/2023**

Heard Ms. H. Terangpi, learned counsel for the petitioner. Also heard Mr. S. R. Baruah, learned Government Advocate.

2. This writ petition has been filed by the petitioner seeking direction of this Court for release of payments in respect of works executed by the petitioner.

3. The petitioner claims to be a businessman and is engaged in supply, repairing and up-gradation works and other activities under the name and style M/S Priya Enterprise in the District of Udalguri (BTAD) Assam. He was allotted the following works by the Superintendent of Police, Udalguri, District:

**“OFFICE OF THE SUPERINTENDENT OF POLICE :: UDALGURI
:: DISTRICT:: UDALGURI :: ASSAM**

Memo No. UDL/R/Clothing/2016/2309

dated 23/02/2016

To,

M/S Priya Enterprise,
Sastrapara (Miripara),
Udalguri, Assam

Sub:- Please supply the following some mise articles to this office immediately & submit bill duplicate after completion of the supply for payment. The payment will be made subject to be availability of fund through monthly ceiling allotted time to time.

Sl. No.	Name of Articles	Quantity
1.	Bamboo (Jati)	- 40 Nos.
2.	Rope	- 07 KG.

3.	<i>Sutli</i>	- 03 KG
4.	<i>GI Wire</i>	- 02 KG
5.	<i>BTC Wire (6mm)</i>	- 02 Coil
6.	<i>BTC Wire (2mm)</i>	- 02 Coil
7.	<i>Power Pluck Socket</i>	- 10 Nos.
8.	<i>Line</i>	- 01 Tin
9.	<i>Sand (one) Truck</i>	- 05 C.M.

*Superintendent of Police
Udalguri, Assam*

4. The learned counsel for the petitioner submits that the petitioner duly executed all the supply orders referred above. However, inspite of completion of the supply orders to the satisfaction of the respondents, the bills raised by the petitioner for supply items executed remained pending. The outstanding payments required to be paid to the petitioner against all the supply items completed by the petitioner were shown as Rs. 15,84,502/- (Rupees Fifteen Lakhs Eighty Four Thousand and Five Hundred Two Only).

5. Mr. S. R. Baruah, learned Government Advocate does not dispute the claims of the petitioner that the works have been duly executed. He, however, submits that the amount could not be released due to non-availability of funds. He fairly submits that the Department will release the outstanding payments as and when the funds are available and subject to proper verification of the works stated to be executed by the petitioner.

6. Upon hearing the learned counsel for the parties, this writ petition is disposed of with a direction to the respondents more particularly respondent No. 2, The Superintendent of Police to verify the claims of the petitioner in respect of the works executed and upon such verification, if the works are found to be

duly executed and completed then the amounts required to be released in respect of such works executed be released to the petitioner expeditiously.

7. The verification and subsequent payment, if required, be made to the petitioner will be in terms of the guidelines laid down in *Tamsher Ali and Ors Vs. State of Assam and Ors* reported in *2008 (4) GLT 1*.

8. The entire exercise is directed to be completed within a period of three (3) months from the date of receipt of the certified copy of this order.

9. Accordingly, the writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant