GAHC010239032022

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

Case No.: WP(C)/7704/2022

DEEPAK KUMAR NATH
S/O- MOHIKANTA NATH
R/O- VILL- MASHKHOWA
P.O. JALUGUTI
DIST.- MORIGAON
ASSAM
PIN- 782115

VERSUS

TIWA AUTONOMOUS COUNCIL AND ANR
MORIGAON
DIST.- MORIGAON
PIN- 782105
ASSAM
REP. BY THE PRINCIPAL SECRETARY

2:THE PRINCIPAL SECRETARY
MORIGAON
DIST.- MORIGAON
PIN- 782105
ASSAM

Advocate for : MR. N J KHATANIAR
Advocate for : SC
TIWA AUTONOMOUS COUNCIL appearing for TIWA AUTONOMOUS COUNCIL AND ANR

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

O R D E R

28.06.2023

Heard Mr. N. J. Khataniar, the learned counsel for the petitioner and Mr. S. Neogi, the learned counsel appearing on behalf of the Tiwa Autonomous Council and its officials.

2. The instant writ petition is filed by the petitioner challenging the inaction on the part of the respondent authorities in releasing the dues to which the petitioner is entitled to upon completion of the work allotted to him by the Construction Committee of the respondent Tiwa Autonomous Council.

3. The case of the petitioner herein is that the petitioner was allotted the work "Construction of Road from PWD Road to Ajit Deka House at Konabori". The value of the work was Rs.10,00,000/-. Out of Rs.10,00,000/-, an amount of Rs.6,00,000/- was released as first installment. The remaining amount would be released subject to production of M.B. vouchers, utilization certificate, completion certificate and one photograph before start of the scheme, one photograph during the work and one photograph after completion of the scheme with signboard duly signed by the President and the Member Secretary of Tiwa Autonomous Council.

4. It is alleged that on completion of the work in a time bound manner, the petitioner submitted the final bill for release of the final installment

accompanied by the utilization certificate, photographs of the work as well as with the inspection report of the concerned Junior Engineer. The petitioner is, however, aggrieved that in spite of submission of the necessary documents and completion of the work, the respondent authorities have not made payment to the petitioner's entitlement. It is under such circumstances, the instant writ petition has been filed.

5. Mr. S. Neogi, the learned counsel appearing on behalf of the respondents submits that the Construction Committee of Tiwa Autonomous Council is authorized to allot construction works upto an amount of Rs.10,00,000/-. There is no denial to the fact that the work in question was not allotted to the petitioner. The learned counsel for the respondents, however, submits that the entitlement of the petitioner would be dependent upon further verification to be carried out by the respondent authorities. Upon perusal of the materials on record, this Court is of the opinion that if the petitioner had completed the work in question, the petitioner would be entitled to the amount as claimed. However, for the same, verification on the part of the respondent authorities would be required.

6. This Court, therefore, disposes of the instant writ petition with a direction upon the respondent authorities to verify as to whether the petitioner had completed the work in question as per the allotment of the work and also as to whether the petitioner had submitted requisite documents which are required for the purpose of releasing the amount claimed by the petitioner.

7. This Court further directs that upon verification, if it is found that the petitioner is entitled to, the respondent authorities shall pay to the

petitioner the entitlement to the extent of the work completed by the petitioner.

8. The said exercise be completed with a period of 6 (six) months from the date a certified copy of the instant order is served upon the respondent No.2.

JUDGE

Comparing Assistant