

GAHC010262352023



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

Case No. : WP(C)/6756/2023

M/S ZAM ENTERPRISE
REP. BY ITS PROPRIETOR,
ZEEDUL ALAM,
AGED ABOUT 33,
S/O- MOINUDIN MAZUMDAR,
R/O- SUBHOM GREENS, BLOCK A, FLAT NO-504, LOKHRA, GUWAHATI-34,
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, TRIBAL
AFFAIRS (P) DEPARTMENT (ERSTWHILE WPT AND BC DEPTT), DISPUR,
GUWAHATI-06

2:THE DIRECTOR
TRIBAL AFFAIRS (WPT AND BC) DEPARTMENT (ERSTWHILE WPT AND BC
DEPTT)
DISPUR
GUWAHATI-06

3:THE DEPUTY SECRETARY
TO THE GOVERNMENT OF ASSAM
TRIBAL AFFAIRS (P) DEPARTMENT (ERSTWHILE WPT AND BC DEPTT)
DISPUR
GUWAHATI-0

For the Petitioner(s) : Mr. G. Jalan, Advocate

For the Respondent(s) : Mr. R. Dhar, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 24.11.2023

1. The instant writ petition has been taken up for disposal at the motion stage itself.
2. The Petitioner herein is the proprietor of a firm in the name and style of M/S ZAM Enterprise. An Expression of Interest was issued by the Respondent No.2 dated 19.12.2020 and thereby inviting Experienced Event Management Firm/NGO for organizing "Ethnic Tribal Tourism Festival of Assam" ECO- Tourism Festival 2021 in the District of Kamrup, Jorhat, Dima Hasao and Cachar under the Budget head of "Ethnic Tribal Tourism Festival of Assam" during the financial year 2020-21 at the four different districts of Assam.
3. It further reveals that pursuant to the said Expression of Interest and the participation of the Petitioner, a work order was issued by the Respondent No.2 bearing No. DW/Tribal Tourism/1108/2020/30-A/5465 dated 27.01.2021 awarding the work of ECO- Tourism Festival 2021 in the District of Kamrup, Jorhat, Dima Hasao and Cachar during the financial year 2020-21 to the Petitioner. It is the case of the Petitioner that the Petitioner duly completed the work as per the said work order and a completion certificate was also issued on 22.02.2021. The Petitioner had also submitted the bills before the Respondent No.2 for payment of amount of Rs.1,99,42,000/- (Rupees one crore ninety nine lakhs forty two thousand only) but the said amount have not been released to the Petitioner. The Petitioner thereupon has submitted representation before the authorities time and again. It is also relevant to mention that the Respondent

No.2 vide a letter dated 19.01.2021 had submitted a proposal for financial sanction of the said amount the Petitioner claims to be entitled to. It is also seen from Annexure-VII that the Respondent No.2 had also issued a Form of Utilization Certificate certifying that the scheme namely "Ethnic Tribal Tourism Festival of Assam" is a new scheme and no fund has been sanctioned during the financial year 2020-21. It is the case of the Petitioner that in spite of the clear cut admission on the part of the Respondent Authorities, that the Petitioner is entitled to the amount so claimed, the Respondent Authorities for the best reasons have not paid the amount. It is under such circumstances, the instant writ Petition has been filed.

4. I have heard Mr. R. Dhar, the learned Standing counsel appearing on behalf of the Respondents who submitted that although from a perusal of the materials placed by the Petitioner on record, it reveals that there is a communication issued by the Respondent No.2 to the Deputy Secretary to the Government of Assam, WPT and BC Department submitting the proposal for financial sanction of the amount so claimed by the Petitioner but the said aspect has to be verified at various levels. He therefore submits that the instant writ petition be disposed of with a direction to the Respondent Authorities to make verification as regards the entitlement of the Petitioner and upon verification if it is found that the Petitioner is entitled to the amount so claimed or any part thereof, the same be released to the Petitioner within a time bound period.

5. This Court having taken note of the above facts is of the opinion that the instant writ petition can be disposed of at this stage itself. Accordingly, this Court therefore disposes of the instant writ petition directing the Respondents herein and more particularly the Principal Secretary to the Government Assam, Tribal affairs (P) Department to make verification either by himself or through

his delegatee as to the actual entitlement of the Petitioner. This Court further directs that if it is found that the Petitioner is entitled to the said amount so claimed or any part thereof, the same be released to the Petitioner.

6. The said exercise be completed within a period of 6 (six) months from the date of submission of the certified copy of the instant order to the Principal Secretary Tribal Affairs (P) Department, Government of Assam.

7. The Respondent No.2 is also directed to aid the Principal Secretary, Tribal Affairs (P) Department for carrying out the verification as directed hereinabove.

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

JUDGE

Comparing Assistant