

GAHC020000072022



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

Case No. : WP(C)/3/2022

SHRI. M/S K.Z. ELECTRICAL
THROUGH ITS PROPRIETOR, SHRI. KEZHOLUZO, R/O ELECTRICAL
COLONY, KOHIMA, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND, KOHIMA

- 2) THE HOME COMMISSIONER
NAGALAND KOHIMA.
- 3) THE DIRECTOR GENERAL OF POLICE
NAGALAND KOHIMA.
- 4) THE DY. INSPECTOR GENERAL OF POLICE
(R) KOHIMA NAGALAND.
- 5) THE SUPERINTENDENT OF POLICE
PHEK, NAGALAND.
- 6) THE CHIEF ENGINEER
POLICE ENGINEERING PROJECT, NAGALAND KOHIMA.
- 7) THE EXECUTIVE ENGINEER (ELECT)
POLICE ENGINEERING PROJECT DIVISION, KOHIMA , NAGALAND

Advocate for the Petitioner : TONGPOK PONGENER

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 11-04-2023

Heard Mr. L. Phom, learned counsel for the petitioner and Ms. Livika, learned Government Advocate for the State respondents.

2. The case of the petitioner in brief is that by the work order No.EE/PEP/KMA/TECH-ELECT/FC-X111/2016-17/32 dated 08.12.2016, the petitioner was awarded work for internal electrification of 'Const. of type-I Qtr. at outpost Cheteba under Phek district under FC XIII(2014-15)(Const. of SP type Barrack 36'x22) amounting to Rs. 2,32,653/-. Upon completion of the work, the completion certificate dated 09.01.2017 was issued by the appropriate authorities.

3. It is the case of the petitioner that despite the lapse of more than 5 years from the date of completion of the work, the petitioner has been denied the bill amounting to Rs. 2,32,653/-. The petitioner has therefore filed the present writ petition seeking for immediate release of the final pending bill amounting to Rs. 2,32,653/- (Rupees Two lakh thirty two thousand six hundred fifty three) only with interest thereon at the rate @ 9.60 p.a from the date of completion of the work dated 09.01.2017 till final realization.

4. The State respondent in their affidavit-in-opposition has not disputed the claim by the petitioner. The only defence put forth by the State for non-payment of the bill is that in the work order dated 08.12.2016, there is a condition that payment will be made as and when the fund is made available by the Government.

5. Ms. Livika, learned Government Advocate accordingly submits that the department shall release the pending bill of Rs. 2,32,653/- as and when the amount is sanctioned by the Government. The learned Government Advocate also submits that in view of the condition stipulated in the work order dated 08.12.2016 that payment will be made only as and when the fund is made available by the Government, and the bill not having being sanctioned by the

Government, the petitioner is not entitled to the payment of interest at the rate @ 9.60 p.a. on the pending bill.

6. Heard the learned counsel for the parties and also perused the pleadings exchange between the parties. There is no dispute that the petitioner has completed the work as per the work order dated 08.12.2016 and therefore entitled to the pending bill. The only obstacle faced by the department for non-payment of the bill to the petitioner is that the amount is yet to be sanctioned by the Government. The reasons cited by the Government, in the considered opinion of this Court, cannot indefinitely delay the payment of the bill to the petitioner as more than 5 years has lapsed since the date of completion of the work. Furthermore, the petitioner is claiming only for the meager bill of Rs. 2,32,653/- which is due to him. This Court does not see any good reasons on the part of the official respondents as to why the payment due to the petitioner should be further delayed only on the ground of non sanction of the amount by the Government.

7. The State respondents are accordingly directed to release the pending bill amount of Rs. 2,32,653/- to the petitioner within a period of 90 days from the date of this order failing which the State respondents shall pay interest at the rate @ 9% p.a on the amount of Rs. 2,32,653/- from the date of completion of the work i.e. 09.01.2017 till the final payment is made to the petitioner.

Writ petition stands disposed.

**Sd/-
JUDGE**

Comparing Assistant