



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

Case No. : WP(C)/218/2022

M/S P. SUOHU
GOVERNMENT CONTRACTOR AND SUPPLIERS,
REGD. NO.NPW.CL - I/614, NSCU REGD. NO.3306,
GST NO.13BJSPD1984J1ZX,
REPRESENTED BY ITS PROPRIETOR
SHRI. P. SUOHU, S/O VIPRO SUOHU,
R/O NEW SECRETARIAT, BELOW NPSC,
KOHIMA,NAGALAND

VERSUS

THE STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND, KOHIMA

2:THE FINANCE COMMISSIONER TO THE GOVERNMENT OF NAGALAND

3:THE HOME COMMISSIONER TO THE GOVERNMENT OF NAGALAND

4:THE DIRECTOR GENERAL OF POLICE, NAGALAND, KOHIMA

5:THE CHIEF ENGINEER, POLICE ENGINEERING PROJECT, NAGALAND,
KOHIMA

6:THE SUPERINTENDENT OF POLICE, TUENSANG, NAGALAND

7:THE SUPERINTENDING ENGINEERING, POLICE ENGINEERING
PROJECT, NAGALAND, KOHIMA

8:THE PROJECT ENGINEE, POLICE ENGINEERING PROJECT, ALICHEN,
NAGALAND

Advocate for the Petitioner : NUKSUNG TILA

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY
ORDER**

Date : 14.11.2023

Heard Ms. Nuksungtila, learned counsel for the petitioner and Ms. S. Inaholi, learned Junior Government Advocate, Nagaland for all the respondents.

2. The petitioner is stated to be a Class-I Government registered Contractor and Supplier. The case projected in this writ petition, in brief, is that a contract-work :- 'Construction of type-1 quarter at PS Tuensang under TFC 2014-15 [Construction of barrack type-1 48*22-1 unit] i/c site development, water supply & sanitary installation and rain water harvesting' ['the Contract-Work', for short] was awarded to the petitioner vide a Work Order dated 20.04.2015 at the quoted rates as per the Nagaland PWD Schedule items only and the rate for the non-scheduled items, if any, would be as per the prevailing approved rate of the concerned Department. As per the Work Order, the value of the Contract-Work was Rs. 28,56,650/-. It is the further case of the petitioner that on being awarded the Work Order, the petitioner proceeded to execute the Contract-Work and had, in due course, completed the same. The Contract-Work was inspected by the officials of the respondent authorities including the respondent no. 6 and the respondent no. 7. After inspecting the Contract-Work, a Completion Certificate was issued under the hands of the respondent no. 6 and the respondent no. 7 certifying that the Contract-Work had been completed by the petitioner and the construction works were found to be good and satisfactory. An observation was made in the Completion Certificate to the effect that there should not be any objection for releasing the payment to the contractor. The petitioner has also annexed a copy of the Certificate of handing over and taking over of the Contract-Work, as Annexure-C to the writ petition. When despite completion of the Contract-Work and repeated approaches to the respondent authorities to release the payment in respect of the Contract-Work did not bring the desired result, the petitioner has preferred this writ petition seeking *inter alia* a direction to the respondent authorities to disburse the amount against the Contract-Work, which the petitioner has claimed to have

completed satisfactorily.

3. The respondent nos. 1 – 8 have filed a common affidavit-in-opposition wherein it has *inter alia* been averred that the Contract-Work was executed under the 13th Finance Commission and was funded by the Central Government. The Contract-Work was being for and on behalf of the Police Engineering Project Department. But the Police Engineering Project Department did not receive last installment from the Central Government. It has been averred that some of the contract-works were completed by some of the Departments by accommodating those contract-works in their annual work programmes. In so far as disbursement of bills are concerned, it has been averred that the release of payment against pending bills could not be entertained without physical verification reports and without examining the genuineness of the liabilities claimed.

4. In the above fact situation, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the competent authority in the respondent Police Engineering Project Department to examine the claim made by the petitioner in respect of the Contract-Work for disbursement of its pending liabilities and if after such examination, the petitioner is found entitled for payment against the Contract-Work to the extent of Rs. 28,56,650/- or any other amount, the respondent authorities shall take steps for disbursal of the said amount. It is accordingly ordered. The entire exercise shall be completed as expeditiously as possible, preferably within a period of 6 [six] months from the date of submission of a certified copy of this order by the petitioner at the office of the respondent no. 3.

Sd/-

JUDGE

Comparing Assistant