

GAHC040003462023



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

Case No. : WP(C)/135/2023

M/s B.G Enterprise
PO Dikalmukh, PS Seijosa, Pakke Kessang District, Arunachal Pradesh.
A Registered firm, represented by its Power of Attorney Holder Sanjay Gollo,
S/o Shri Tado Gollo, aged about 33 years, a resident of Seijosa Village, PO/PS
Seijosa, Pakke Kessang District, Arunachal Pradesh.
Mobile No. 919436060523

VERSUS

THE STATE OF AP AND 3 Ors.
Represented by the Secretary to the Govt. of Arunachal Pradesh, Forest, Itanagar.
2:The Principal Chief Conservator of Forest (Wildlife and Biodiversity)
Age: 0
Occupation :

3:The Field Director
Age: 0
Occupation :

4:The Divisional Forest Officer
Age: 0
Occupation

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 30.05.2024

Heard Mr. B. Picha, learned counsel for the petitioner as well as Ms. R. Basar, learned Govt. advocate appearing for respondents.

2. The petitioner participated in a tender process, which was invited vide tender dated 10.11.2020 for hiring of JCBs pursuant to which he was issued a work order dated 31.12.2020. The only a part payment was made to the petitioner and therefore, claiming unpaid contractual dues, the present writ petition has been filed under Article 226 of the Constitution of India.

3. The respondent no.4 by filing an affidavit in opposition on 17.11.2023, (para 8) thereof has admitted that the petitioner had executed work amounting to Rs.16,12,500/- out of which Rs.8,00,000/- has been paid and therefore, remaining amount of Rs.8,12,500/- could not be paid as funds under Centrally Sponsored Scheme (Project Tiger) was not released.

4. The learned counsel for the petitioner, upon instructions, has submitted the petitioner is ready and willing to accept the balance amount of Rs.8,12,500/- as full and final settlement of his dues.

5. Accordingly, the Court is of the considered opinion that the non-receipt of funds in respect of Centrally Sponsored Scheme is not a sufficient ground for not making payment of outstanding dues of the petitioner, who has executed the work.

6. The respondents are jointly and severally directed to release the balance amount of Rs.8,12,500/- to the petitioner within an outer period of 3(three) months from the date of furnishing of certified copy of this order to the Divisional Forest Officer, Pakke Wild Life Sanctuary and Tiger Reserve.

7. Accordingly, this writ petition stands allowed to the extent as indicated above.

JUDGE

Comparing Assistant