

GAHC040010222023



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

Case No. : WP(C)/351/2023

Kipa Kaney
S/o Late Kipa Rongma, resident of Ganga Market, P.O R.K Mission Hospital, P.S
Itanagar, District Papum Pare, Arunachal Pradesh, Mobile No. 8416003189

VERSUS

1:The State of AP and 4 Others represented by the Commissioner/Secretary, Public Work Department (PWD), Government of Arunachal Pradesh, A.P Civil Secretariat Itanagar.

2:The Chief Engineer, PWD (Central Zone A) Government of Arunachal Pradesh Itanagar.

3:The Superintending Engineer, P.W.D Yachuli Circle Yazali District Lower Subansiri Arunachal Pradesh.

4:The Executive Engineer, P.W.D Sangram Division P.O/P.S Sangram District Kurung Kumey Arunachal Pradesh.

5:The Commissioner/Secretary (Finance) Government of Arunachal Pradesh A.P Civil Secretariat Itanagar

Advocate for the Petitioner : Gimi Tarak

Advocate for the Respondent : GA (AP)

BEFORE

HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 31-07-2024

Heard Mr. G. Tarak, learned counsel for the petitioner. Also heard Mr. Y. Riram, learned Government advocate for the State respondents.

2. It is seen that the State respondents have not filed their counter-affidavit till date and this Court vide its order dated 26.06.2024 had noted that "since notice in this case was issued on 02.08.2023 and considering the claim of the petitioner pending before the respondent authorities for the period from 2008-2009 and 2009-2010, no further time shall be granted to the respondents to file their affidavit(s) beyond 26.07.2024." This court finds it appropriate to hear the matter since the State respondents have not filed their counter-affidavit till date.

3. Mr. G. Tarak, learned counsel for the petitioner submits that the instant writ petition filed under Article 226 of the Constitution of India, for the payment of the pending bills to the petitioner after completion of the works, wherein the petitioner was awarded several numbers of work orders by the Executive Engineer, Sangram Division, Public Works Department. And after the completion of his works, he had submitted his bills against the works completed

amounting to Rs.1,12,05,799/-(Rupees One Crores Twelve Lakhs Five Thousand Seven Hundred and Ninety Nine)only. Thereafter, several communications were made between the petitioner and the respondent authorities, for the payment of the bills.

4. Being dissatisfied with their responses, the petitioner had lodged a complaint before the SIC (Vig.), whereby requesting to unearth the reasons why the outstanding pending bills are not released. The SIC(Vig.) submitted an enquiry report on 28.01.2022, in favour of the petitioner affirming the claims being genuine and after receiving the report, the Chief Engineer (Vigilance and Training), PWD, Government of Arunachal Pradesh, communicated the same to the Chief Engineer (CZ-A) PWD, Mowb-II, Itanagar, for necessary action. Thereafter, after several communications, the Executive Engineer, Sangram Division, PWD, Government of Arunachal Pradesh addressed a letter dated 23.03.2022, to the Superintendent Engineer, Yachuli Civil Circle, PWD, Lower Subansiri District, Arunachal Pradesh for requisition of additional fund/LOC to clear the outstanding liabilities in respect of the petitioner.

5. The learned counsel submits that the above communications and said letters clearly reflects that the petitioner is entitled to be paid the sum of Rs.1,12,05,799/-(Rupees One Crores Twelve Lakhs Five Thousand Seven Hundred and Ninety Nine)only, for his work for

improving of road from Nyapin to Sango 0.00-15.00 Km under SPA during 2008.

6. This Court having perused the nature of the communications made by the State respondents, finds that it is an admitted fact that the State respondents are liable to pay to the petitioner, the sum of Rs.1,12,05,799/-(Rupees One Crores Twelve Lakhs Five Thousand Seven Hundred and Ninety Nine)only, which are his pending bill.

7. In view of the above, the instant writ petition is disposed of with an order that the State respondents are to take steps for releasing the pending bills of the petitioner, amounting to Rs.1,12,05,799/-(Rupees One Crores Twelve Lakhs Five Thousand Seven Hundred and Ninety Nine)only, within a period of 4(four) months from the date of receipt of certified copy of this order, and failure to pay the said amount within a stipulated time period, there will be an interest imposed at the rate of 6% per annum, as prayed for by the learned counsel for the petitioner.

Accordingly, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant