

GAHC010006092024



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

Case No. : WP(C)/769/2024

NISHI KANTA BHATTACHARJEE
S/O LT. MOHESH CHANDRA BHATTACHARJEE,
R/O SUBASH NAGAR,
KARIMGANJ, P.O.AND P.S. KARIMGANJ DISTRICT- KARIMGANJ, ASSAM,
PIN-788710

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT.
OF ASSAM
PUBLIC WORKS (ROADS) DEPARTMENT, DISPUR, GUWAHATI, PIN-781005

2:CHIEF ENGINEER

PUBLIC WORKS (ROADS) DEPARTMENT
CHANDMARI
GUWAHATI
PIN-781003.

3:EXECUTIVE ENGINEER

PUBLIC WORKS (ROADS) DEPARTMENT
KARIMGANJ NORTH
KARIMGANJ SOUTH AND BADARPUR TERRITORIAL ROAD DIVISION

SUBHASH NAGAR

KARIMGANJ
PIN-788710

4:ASSISTANT EXECUTIVE ENGINEER

PUBLIC WORKS (ROADS) DEPARTMENT
KARIMGANJ NORTH
TERRITORIAL ROAD DIVISION

SUBHASH NAGAR
KARIMGANJ
PIN-78871

Advocate for the Petitioner : MR. S P CHOUDHURY

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

17.02.2024

1. Heard Mr. S.J. Sarkar, learned counsel for the petitioner, who submits that the petitioner had completed the contract work, namely "Improvement and Renovation of Executive Engineer's P.W.D (R.R) Residence at Subhash Nagar, Karimganj Under the Deposit Fund for the Year 2017-18", on the basis of work order dated 17.02.2018 issued by the respondent No. 3.

2. The petitioner completed the above stipulated work and completion certificate dated 20.04.2018 has been issued by the Junior Engineer. Though the Letter dated 06.12.2021 issued by the Assistant Executive Engineer, PWD (Roads) Department, Karimganj North, Territorial Road Division (respondent No.4) shows that the respondent No. 4 had admitted that the net value of the work done is Rs.4,63,339/-, the respondent No.3 has not taken any action on the above completion certificate and the Letter dated 06.12.2021. He submits that the respondents should be directed to pay the said admitted amount.

3. Mr. B. Gogoi, learned counsel for the respondents submits that the completion certificate issued by the Junior Engineer on 20.04.2018 and the respondent No. 4's letter dated 06.12.2021 having shown that the work of the petitioner had been completed at a cost of Rs.4,63,339/-, the same has to be verified and approved by the respondent Nos. 2 and 3. He submits that after verification of the same by the respondent Nos. 2 and 3, the admitted amount can be paid to the petitioner.

4. In view of the consent of the parties, the respondent Nos. 2 and 3 are directed to verify the claim of the petitioner, vis-à-vis the completion certificate issued by the Junior Engineer on 20.04.2018 and the Letter dated 06.12.2021 issued by the respondent No. 4. In the event it is found that the petitioner is to be paid some outstanding dues, the admitted amount should be paid to him. The entire exercise should be completed within 3(three) months from the date of receipt of a certified copy of this order along with a copy of the writ petition.

5. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant