

GAHC010007742015



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

Case No. : WP(C)/309/2015

KAMAL KUMAR DAS
PROPRIETOR OF M/S K.K. ENGINEERS
S/O ABHAY CHARAN DAS
R/O NO.5
FIRST FLOOR
G.R. COURT
MOTILAL NEHRU ROAD
PANBAZAR
GHY-1

VERSUS

UNITED BANK OF INDIA and 3 ORS
REP. BY ITS GENERAL MANAGER PREMISES UNITED BANK OF INDIA
HEAD OFFICE
11
HEMANT BASU SARANI
KOLKATA-1

2:ASSTT. GENERAL MANAGER PREMISES
UNITED BANK OF INDIA
PREMISES DEPTT.

11
HEMANTA BASU SARANI
KOLKATA-1

3:CHIEF REGIONAL MANAGER
UBI

SIBASAGAR REGIONAL OFFICE
DOHABARA ROAD
JORHAT-01

4:AR. PARIMAL BHATTACHARJEE
M/S DESIGNERS' ASSOCIATES
RUNGAGORA ROAD

TINSUKIA-786125
5:PUNJAB NATIONAL BANK
HEAD OFFICE
PLOT NO. 4
SECTOR- 10
DWARKA
NEW DELHI- 11075.
6:PUNJAB NATIONAL BANK
NEAR MARKET HCB ROAD
SIBSAGAR
DIST.- SIBSAGAR
ASSAM
PIN- 785640.

Advocate for : MS.B BORA

Advocate for : MR.C SHARMAR- 1 TO 3 appearing for UNITED BANK OF INDIA
and 3 ORS

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

29.05.2024

1. Heard Ms. B. Bhuyan, learned Senior Counsel for the petitioner as well as Mr. S. Dutta, learned Senior Counsel for the respondent bank.
2. The petitioner has prayed for payment of his contractual dues amounting to Rs.2,35,919/-.
3. The petitioner's counsel submits that out of the total contractual dues amounting to Rs.20,97,587.50/-, the petitioner has received Rs.18,61,668/-/-, leaving a balance amount of Rs.2,35,919/-. Besides the balance amount of Rs.2,35,919/-, the petitioner is also entitled to receive an amount of Rs.1,65,366/- Retention Money and Rs.42,000/- Earnest Money. The petitioner's

counsel thus prays for a direction may be issued to the respondents, to pay the admitted amount and give the petitioner liberty to approach the Civil Court, to make a claim for the disputed amount.

4. Mr. S. Dutta, learned Senior Counsel for the respondent bank submits that he has got no objection with the prayer made by the counsel for the petitioner. He submits that the respondent bank shall verify the amount payable to the petitioner and pay the admitted amount to the petitioner.

5. In view of the consent of the parties, the respondent bank is directed to verify the amount payable to the petitioner and pay the petitioner the admitted amount along with interest, as permitted, within a period of 6 (six) weeks from the date of receipt of a certified copy of this order. The petitioner is also given the liberty to approach the Civil Court with respect to the claim for any disputed amount that he may wish to pursue.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant