

GAHC010008082024



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

Case No. : WP(C)/221/2024

NRIPEN HAZARIKA
SON OF LATE RUPARAM HAZARIKA,
RESIDENT OF- MILAN NAGAR, NEAR MACHARHAT SHIV MANDIR,
P.O. AND P.S.- JORHAT, DISTRICT- JORHAT,
ASSAM, PIN- 785001.

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY,
MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION (DONER),
EAST BLOCK-10 (LEVEL-4), R.K. PURAM,
NEW DELHI-110066.

2:THE DEPUTY SECRETARY
MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION (DONER)
EAST BLOCK-10 (LEVEL-10)
R.K. PURAM NEW DELHI- 110066.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
PUBLIC WORKS DEPARTMENT (ROADS)
DISPUR GUWAHATI-06.

4:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS)
CHANDMARI GUWAHATI-03.

5:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS)
JORHAT DIVISION
DISTRICT- JORHAT
ASSAM

Advocate for the Petitioner : MS. N GOGOI

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 02.02.2024

Heard Mr. S. K. Ghosh, learned counsel, appearing on behalf of Ms. N. Gogoi, learned counsel for the petitioner. Also heard Mr. M. R. Adhikari, learned counsel for the respondent Nos. 1 & 2 and Mr. B. Gogoi, learned Standing Counsel, PWD for the respondent Nos. 3, 4 & 5.

2. The petitioner is aggrieved against the non-payment of contractual bills amounting to Rs. 87 Lakhs only, payable to the petitioner, relating to the awarded contractual work circulated vide NIT dated 14.11.2011 for construction of RCC Bridge No. 13/1, 13/2 & 20/2 on Mohbondha Road under NLCPR for 2010-11 in Jorhat District, by the Ministry of Development of North Eastern Region (DoNer), although the entire work had been completed in 2020. The authority of Assam PWD issued work completion certificate along with admitted bills and also released the state share against the said work and submitted the same to the Ministry of Development of North Eastern Region (DoNER), New Delhi. However, the Ministry of DoNER has not released the amount till date.

3. As the Executive Engineer, PWD (Roads), Jorhat Division, has given a completion certificate, stating that Rs. 92.70 Lakhs is payable to the petitioner from the funds to be given by the respondent Nos. 1 and 2, this Court is of the view that the claim of the petitioner should be verified by the respondents once

again and thereafter, the respondent Nos. 1 & 2 should pay the admitted amount to the petitioner.

4. The completion certificate dated 29.01.2022 issued by the respondent No. 5 states as follows:-

“Name of the Project: "Construction of RCC Bridge No. 13/1, 13/2 & 20/2 on Mohbondha Road under NLCPR for 2010-11 in Jorhat District under Jorhat PWRD, Rural Road Division".

Certified that a total sum of Rs. 614.33 Lakhs was made available as assistance under the Non Lapsable Central Pool of Resources as per agreed cost recommended by the Department of Development of North Eastern Region against the sanctioned project "Construction of RCC bridge No. 13/1, 13/2 & 20/2 on Mohbondha Road under NLCPR for 2010-11 in Jorhat District under Jorhat PWRD, Rural Road Division" and a sum Rs. 437.14 Lakh from Grant Share and a sum of Rs. 52.34 Lakhs from State Share has been fully utilized for works for which it was sanctioned. Utilization Certificate is enclosed/has been furnished.

It is also certified that the following components of the project in accordance with the Detailed Project Report has been physically completed out of the above funds: Contractor has completed the work with his own resources.

1) Bridge Proper = 100%

2) Approaches 100%

3) Protection 100%

4) Road Work 100%

The Project has been completed on 18/10/2020 and the benefits accrued from the project are as follows:

1. Alternate connectivity to Jorhat, Golaghat, Titabor & Dergaon thus providing an important road link to Jorhat to Golaghat for a large number of people.

2. Lateral connectivity to greater Mohbondha, Panichakua, Charingia, Dohutia area having highly agricultural potential and transportation of agricultural products.

3. Fulfills long time needs to a greater population as well as road facility for educational Institutions/Govt. Offices. Tea gardens etc.

Financial Liability yet to be cleared to the contractor is Rs. 92.70 Lakhs."

5. As the petitioner in this writ petition is claiming Rs. 87 Lakhs, as unpaid contractual bills, the respondents shall verify the claim of the petitioner once again, with regard to his unpaid contractual bills, within a period of (2) two months from the date of receipt of a copy of this order. Thereafter, the admitted amount should be paid to the petitioner by the respondents, within a further period of 1 (one) month.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant