

GAHC010009542023



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

Case No. : WP(C)/801/2023

DILUWAR HUSSAIN
S/O- LT. ABDUL JABBAR, P.O. AND P.S. MOIRABARI, VILL- TATIKATA,
DIST.- MORIGAON (ASSAM)

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY CHIEF ENGINEER, WATER RESOURCES DEPTT., CHANDMARI,
GHY-3

2:THE CHIEF ENGINEER
WATER RESOURCES DEPTT.
CHANDMARI
GHY-3

3:THE SUPERINTENDING ENGINEER
WATER RESOURCE CIRCLE
NAGAON

4:THE EXECUTIVE ENGINEER
MORIGAON
W.R.DIVISION
MORIGAON

5:THE UNION OF INDIA
REPRESENTED BY THE COMMISSIONER MINISTRY OF JAL SHAKTI
DEPARTMENT
RIVER DEVELOPMENT AND GANGA REJUVENATION
NEW DELHI-110001

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : SC, WATER RESOURCE

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 08.04.2024

Heard Mr. P.H. Konwar, learned counsel for the petitioner and Ms. A. Lodha, learned counsel for respondent nos. 1 to 4.

2. Alleging non-payment of contractual bills amounting to Rs.22,30,909/- on account of eight bills raised by the petitioner, the present writ petition has been filed under Article 226 of the Constitution of India.

3. In the affidavit-in-opposition filed by respondent no.2, being Assistant Engineer, Water Resources Department, the quantum of outstanding dues is not disputed or denied. It is merely stated therein that the scheme under which work was done is under Flood Management Programme and under the said scheme 90% payment is supposed to be borne by the Govt. of India, Ministry of Jal Shakti and stand is taken that without impleading the Union of India, the present writ petition is filed and it is projected that the Govt. of India is a necessary party.

4. In this regard, it is noted that the formal work orders were issued from time to time by the Executive Engineer, Morigaon and nothing would be shown that the liability of the work would be shared in the ratio of 90:10 as between the Central Government and the State Government and the work order is not subject to receipt of contribution from the Govt. of India.

5. In view of above, the writ petition stands allowed. The respondents in

the Water Recourses Department shall clear the outstanding dues of the petitioner which is not disputed and claimed to be Rs.22,30,909/- on account of work orders dated 02.05.2012, 18.02.2015, 19.01.2015, 03.01.2015, 03.01.2015, 01.08.2015, 23.12.2014 and 07.01.2015.

6. The amount shall be verified and if the payment found due the same shall be released to the petitioner within a period of 3(three) months from the date of submission of certified copy of this order before the Executive Engineer, Morigaon (respondent no.4).

7. This writ petition stands allowed to the extent as indicated above.

JUDGE

Comparing Assistant