

GAHC010013882024



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

Case No. : WP(C)/367/2024

RAJESH KUMAR CHOUDHURY
S/O MANGILAL CHOUDHURY, R/O FLAT NO. 2-D, TRANS RESIDENCY, GMC
HOSPITAL ROAD, ANANDANAGAR, DISPUR, P.O. AND P.S.-DISPUR, PIN-
781005, DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SPECIAL SECRETARY TO THE GOVERNMENT OF
ASSAM, PWD (ROAD), DISPUR, GUWAHATI-6

2:THE CHIEF ENGINEER
PWD (ROAD)
ASSAM
CHANDMARI
GUWAHATI-3

3:THE SUPERINTENDENT ENGINEER
PWD
NAGAON ROAD CIRCLE
PIN-782001

4:THE EXECUTIVE ENGINEER
PWD
NAGAON STATE ROAD DIVISION
NAGAON
PIN-782001

5:THE ASSISTANT EXECUTIVE ENGINEER
PWD
NAGAON STATE ROAD SUB-DIVISION
PIN-782001

ASSA

Advocate for the Petitioner : MRS. K K CHOUDHURY

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

05.02.2024

1. Ms. K.K. Choudhury, learned counsel for the petitioner submits that in terms of the letter dated 19.12.2023 issued by the respondent no.5, the respondents have admitted the liability of Rs.57,67,232/- in respect of the Bill No. RA/1/RTRSD/NSRD/15 dated 11.02.2020 and Rs.4,20,037/- in respect of Bill No. RA/11/RTRSD/NSRD/50-A dated 17.07.2020. She accordingly prays that the respondents should pay the admitted liability amount.

2. Ms. M. Das, learned Standing Counsel, PWD submits the verification undertaken by the Assistant Executive Engineer (T/C), PWD Dhing & Rupohihat Territorial Road, Division, Nagaon, vide letter dated 19.12.2023 would have to be verified and approved by the Chief Engineer, PWD (Road), Assam, who is the respondent no.2.

3. I have heard the learned counsels for the parties. On perusing the earlier order passed by this Court on 29.01.2024, I find that the learned Standing Counsel, PWD had been granted time to obtain instructions from the respondent

no.2, whether the liability reflected in the letter dated 19.12.2023 issued by the respondent no.5 was an admitted amount. This Court, vide order dated 29.01.2024, had also stated that in the event no instruction was forthcoming on the above query, this Court may dispose of the matter on the basis of the materials available on record.

4. On noticing the fact that the respondent no.5 has admitted the liability of the respondents with respect to the unpaid bills of the petitioner, this Court is of the view that the same would have to be verified and approved by the respondent no.2. Accordingly, the respondent no.5 is directed to re-verify the liability of the respondents as reflected in the letter dated 19.12.2023 (Annexure-1) and take a decision on the same, within a period of 2 (two) months from the date of receipt of a certified copy of this order along with the copy of the writ petition. In the event, the respondent not.5 admits the liability of the respondents in respect of the unpaid bills of the petitioner, the admitted amount should be paid to the petitioner within a further period of two months.

5. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant