

GAHC010014042019



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

Case No. : WP(C)/590/2019

M/S. J.K. TRADE AND COMMERCE
A PROPRIETORSHIP CONCERN, REGISTERED CLASS (A), CONTRACTOR
HAVING ITS OFFICE AT G.S. ROAD, CHRISTIAN BASTI,
GUWAHATI - 781005,
DIST. KAMRUP (M), ASSAM, REP. HEREIN BY ITS PROPRIETOR SRI AMIT
BAGARIA, AGE ABOUT 34 YEARS,
S/OLATE KAILASH NATH BAGARIA,
R/O SREE NAGAR, P.O. AND P.S. DISPUR, GUWAHATI, ASSAM, - 781006.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. HEREIN BY ITS SECRETARY TO THE GOVT OF ASSAM, SPORTS AND
YOUTH WELFARE DEPARTMENT, DISPUR, GUWAHATI, ASSAM- 781006.

2:THE JOINT SECRETARY TO THE GOVT. OF ASSAM

SPORTS AND YOUTH WELFARE DEPARTMENT
DISPUR
GUWAHATI
ASSAM- 781006.

3:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM

SPORTS AND YOUTH WELFARE DEPARTMENT
DISPUR
GUWAHATI
ASSAM- 781006.

4:THE ASSAM STATE HOUSING BOARD

REP. BY ITS COMMISSIONER

R.G. BARUAH ROAD
GUWAHATI
ASSAM- 781005.

5:THE COMMISSIONER

ASSAM STATE HOUSING BOARD
R.G. BARUAH ROAD

GUWAHATI
ASSAM- 781005.

6:THE CHIEF HOUSING BOARD ENGINEER

ASSAM STATE HOUSING BOARD

GUWAHATI
ASSAM
- 781005.

7:THE DISTRICT SPORTS OFFICE

MORIGAON
ASSAM-782105

Advocate for the Petitioner : MR. S BORTHAKUR, MR. J ABBAS

Advocate for the Respondent : GA, ASSAM, MR. T R GOGOI, SC,ASHB,MR. I CHOWDHURY
S.C., ASSAM STATE HOUSING BOARD

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

26.09.2024

Heard Mr. J. Abbas, learned counsel for the petitioner. Also heard Mr. S.S. Roy, learned counsel for the respondent Nos.1, 2, 3 & 7 as well as Mr. E.R. Gogoi, learned counsel for the respondent Nos.4, 5 & 6.

2. The petitioner's case is that the petitioner had undertaken the contract

work for construction of an RCC Gallery under the project work "Development of Barapujia Anchalik Krida Santhar Khelpathar (Construction of RCC Gallery) at Barapujia at Morigaon District." The petitioner on completion of the work, submitted his final bill amounting to Rs.1,36,37,023/-. Though the petitioner had been paid a major portion of his contractual dues, the outstanding balance amount of Rs.11,33,000/- has not been paid to the petitioner.

3. Mr. S.S. Roy, learned counsel for the respondent Nos.1, 2, 3 & 7 submits that as per the letter No.SYW.55/ 2019/85 dated 23.09.2024 issued by the Joint Secretary to the Govt. of Assam, Sports & Youth Welfare Department, the balance amount payable to the petitioner is Rs.11.37023 lakhs.

4. Mr. P.R. Gogoi, learned counsel for the respondent Nos.4, 5 & 6 submits that in terms of the affidavit-in-opposition filed by the respondent Nos. 4-6 on 10.09.2024, a completion certificate of the work contract was submitted to the Director, Sports & Youth Welfare, Assam and a request for release of the fourth & final bill for the petitioner had been made vide letter No. ASHB/Cons/ 686/2015/173/2421 dated 08.09.2017.

5. I have heard the learned counsels for the parties.

6. This Court vide order dated 16.09.2024 had directed the respondent Nos.1-7 to obtain instructions with regard to the exact amount of contractual dues still payable to the petitioner. In pursuance to the order dated 16.09.2024, Mr. S.S. Roy has submitted the letter dated 23.09.2024, wherein they have admitted that the dues payable to the petitioner is Rs.11,37,023/-. As there is no dispute to the fact that the petitioner has not been paid his contractual bills

in full, the respondents are directed to pay to the petitioner the outstanding amount of Rs.11,37,023/- within a period of 3 months from the date of receipt of a certified copy of this order.

7. The letter No.SYW.55/2019/85 dated 23.09.2024 issued by the Joint Secretary to the Govt. of Assam, Sports & Youth Welfare Department is made a part of the record and marked as Annexure-X.

8. The writ petition is accordingly allowed and disposed of.

JUDGE

Comparing Assistant