

GAHC010016832023



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

Case No. : WP(C)/628/2023

AZIZUR RAHMAN
S/O- LT. ATAUR RAHMAN, R/O- PACHATIYA PART-II, WARD NO. 3,
MORIGAON, P.O. AND P.S. MORIGAON, DIST.- MORIGAON, ASSAM, PIN-
782105

VERSUS

THE STATE OF ASSAM AND 6 ORS
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, WATER
RESOURCE DEPTT., DISPUR, GHY-6

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

3:THE SUPERINTENDENT ENGINEER
WATER RESOURCE CIRCLE NAGAON NAGAON
P.O. AND DIST.- NAGAON
ASSAM
PIN- 782001

4:THE EXECUTIVE ENGINEER
WATER RESOURCE DEPTT.
MORIGAON WATER RESOURCE DIVISION MORIGAON
P.O. AND DIST.- MORIGAON
ASSAM

5:THE UNION OF INDIA
REP. BY THE COMM. MINISTRY OF JAL SHAKTI DEPTT. OF WATER
RESOURCES RIVER DEVELOPMENT AND GANGA REJUVENATION

NEW DELHI- 110001

6:THE BRAHMAPUTRA BOARD
ASSAM
REP. BY ITS CHAIRMAN
GUWAHATI

7:THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT)
MAIDAMGAON
KRISHNANAGAR
BELTOLA
GUWAHATI
ASSAM
PIN- 78210

Advocate for the Petitioner : MR. N AHMED

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

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

19.02.2024

1. Heard R.A. Ahmed, learned counsel for the petitioner, who submits that the petitioner's contractual bill amounting to Rs. 29,09,749/-, for the works executed by the petitioner under the scheme "R/S to T dyke along both banks of Kopili River from Charaihagi to Tuklaitup (L/B), Basudhari to Killing Kopili Junction (L/B) and Chaparmukh Ahatguri Amsoi PWD Road (R/B) including Anti erosion measure at different reaches" under the Water Resources Department, Government of Assam, has not been paid to the petitioner.

2. The petitioner's counsel submits that in a series of matters, the leading case being WP(C) 4734/2021 (Nazim Hussain -vs- The State of Assam and 8

others), this Court has given certain directions for payment of the admitted amounts and accordingly prays for a similar direction to be issued in this case.

3. Ms. R. Deka, learned counsel for the Water Resource Department; Ms. Tinlung, learned counsel on behalf of Mr. R.K. Talukdar, learned counsel for the respondent no.7 and Ms. A. Gayan, learned counsel for the respondent nos.5 & 6 submit that they have got no objection to the prayer of the petitioner's counsel. They submit that as this is an admitted amount, the amount can be paid to the petitioner in terms of the judgment passed in WP(C) 4734/2021.

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

5. This Court, in a series of cases, the leading case being WP(C) 4734/2021 (*Nazim Hussain -vs- The State of Assam and 8 others*), while disposing of the similar matters, had passed the following directions, which are as follows:-

“(1) Within 15 (fifteen) days from today, the concerned official of the State Government of Assam will communicate the supplementary budget passed in the last Assembly Session pertaining to the scheme to the competent authority of the Ministry of Jal Shakti, Government of India.

(2) Within 60 (sixty) days from the date of receipt of such communication, the Ministry of Jal Shakti to release the amount due under the schemes to the concerned Department of the Government of Assam.

(3) Upon receipt of the amount, bills of the writ petitioners shall be processed and cleared within a further period of 45 day”

6. The letter No. MGWRD/A-82/2021/10206 dated 11.08.2021 issued by the respondent no.4 and the Annexure-A to the same shows that there is an outstanding liability of Rs.29,09,749/- payable to the petitioner. The affidavit-in-opposition filed on behalf of the Chief Engineer is to the effect that out of the petitioner's total bill value of Rs.44,20,012/-, Rs.14,72,865/- has been paid.

7. In view of the admission of the outstanding liability payable to the petitioner by the State respondents, this Court is disposing of the writ petition at the motion stage itself. Accordingly, directions passed in WP(C) No.4734/2021 will also be applicable to this case.

8. In view of there being an admission made by the respondent No. 4, the directions passed in WP(C)4734/2021, which has been enumerated above, shall be complied with. Accordingly, the respondents shall pay to the petitioner, his outstanding admitted amount, within a period of 5 (five) months from the date of receipt of a certified copy of this order.

9. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant