

GAHC010018172024



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

Case No. : WP(C)/501/2024

SAMARENDRA SARMA
S/O SRI ANIL CH. SARMA, R/O HOUSE NO. 6, KALYANI SAGAR PATH, P.O.-
NARAKASUR, KAHILIPARA, P.S.-DISPUR, DIST- KAMRUP (M), ASSAM,
GUWAHATI-781019

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF JAL SHAKTI,
DEPARTMENT OF WATER RESOURCE AND GANGA REJUVENATION, NEW
DELHI-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
WATER RESOURCE DEPARTMENT
DISPUR
GUWAHATI-06

3:THE BRAHMAPUTRA BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
NH 37
BASISTHA
GUWAHATI-781029

4:THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT)
MAIDAMGAON
KRISHNANAGAR
BELTOLA
GUWAHATI-781029
ASSAM

5:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI-781003
DIST- KAMRUP (METRO)
ASSAM

6:THE SUPERINTENDENT ENGINEER
NAGAON WATER RESOURCE CIRCLE
DIST-NAGAON
ASSAM
PIN-782001

7:THE EXECUTIVE ENGINEER
MORIGAON WATER RESOURCE DIVISION
MORIGAON
DIST-MORIGAON
ASSAM
PIN-782105

8:THE ASSISTANT EXECUTIVE ENGINEER
JAGIROAD WATER RESOURCE SUB-DIVISION
JAGIROAD
DIST- MORIGAON
ASSAM
PIN-78204

Advocate for the Petitioner : MR. B K GOGOI

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

05.02.2024

1. Heard Ms. C. Deka, learned counsel for the petitioner, who submits that the petitioner had executed contractual work under the scheme formulated by the Ministry of Jal Shakti, Government of India, in consultation with the

Government of Assam through the Water Resources Department, named as Flood Management & Border Areas Program.

2. The petitioner's counsel submits that after completion of the contract work, the State respondents made part payment of the contractual dues of the petitioner. However, the petitioner was not paid the remaining balance amount of Rs.35,08,637/-, as reflected in the Liability Statement made by the respondent no.7 and the Accounts Officer, Morigaon Water Resources Division, Morigaon.

3. The petitioner's counsel submits that similarly situated persons had approached this Court, vide numerous cases, the leading case being WP(C) 4734/2021. She submits that vide order dated 27.09.2022 passed in the above cases including WP(C) 4734/2021, this Court had given certain directions for the procedure to be followed in paying the pending contractual bills of the petitioners therein. She has submitted that similar directions may be passed in this case.

4. Ms. R. Deka, learned counsel for the Water Resources Department, Government of Assam, Mr. G. Pegu, learned CGC for the respondent no.1 and Mr. R.K. Talukdar submit that they have no objection to the prayer made by the petitioner's counsel, provided the respondents make a re-verification as to whether there are liabilities against the petitioner's contractual bills.

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

6. In view of the consent of the parties, this Court directs the

respondents/Water Resources Department to re-verify as to whether there are pending bills against the petitioner, in terms of the Liability Statement which has been issued by the Executive Engineer, Morigaon Water Resources Division, Morigaon (Page-27 of the writ petition). In the event, the Water Resources Division, Morigaon finds that there are pending dues against the petitioner's contractual bills, the directions passed in WP(C) 4734/2021 should be followed for payment of the pending bills.

7. The directions passed vide the order dated 27.09.0222 in WP(C) 4734/2021 is to the following effect :

(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 days.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant