

GAHC010025262024



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

Case No. : WP(C)/765/2024

ANIMA BHARALI
WIFE OF LATE PRADEEP GOGOI, RESIDENT OF BAKULBAN HOUSING
COLONY, LIG BUILDING NO. 1/1 HATIGAON, BHETAPARA ROAD, P.O. AND
P.S. HATIHAON, GUWAHATI- 781038, DISTRICT KAMRUP (METRO), ASSAM

VERSUS

THE ASSAM STATE HOUSING BOARD AND 2 ORS
REPRESENTED BY ITS COMMISSIONER, R.G. BARUAH ROAD, GUWAHATI-
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2:THE CHAIRMAN
ASSAM STATE HOUSING BOARD
R.G. BARUAH ROAD
GUWAHATI-5

3:THE COMMISSIONER
ASSAM STATE HOUSING BOARD
R.G. BARUAH ROAD
GUWAHATI-

Advocate for the Petitioner : MR. S BORA

Advocate for the Respondent : SC. A.S.H.B.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

24.04.2024

Heard Mr. S. Bora, learned counsel for the petitioner. Also heard Mr. T.R. Gogoi, learned Standing Counsel, Assam State Housing Board (ASHB).

2] It is apparent from the records more so from the affidavit-in-opposition filed by the respondent Nos. 1, 2 & 3 that the petitioner is entitled to an amount of Rs.13,16,080/- (Rupees Thirteen Lakhs Sixteen Thousand Eighty). This aspect of the matter can be seen from paragraph Nos.4 & 6 of the affidavit-in-opposition.

3] It is however the case of the respondent Nos. 1, 2 & 3 that they are unable to make payment of the same immediately and as such have requested for payment of the same in installments. In terms with the paragraph No.6 of the affidavit-in-opposition, it transpires that the respondent Nos. 1, 2 & 3 have given an undertaking that they shall give an initial payment of Rs.1,16,000/- (Rupees One Lakhs Sixteen thousand) on or before 30.04.2023 as the first installment and the remaining amount of Rs.12,00,000/- (Rupees Twelve Lakhs) shall be paid in equal monthly installments within 1 (one) year, on or before 7th of each succeeding month.

4] The learned counsel appearing on behalf of the petitioner has submitted that the amount so payable to the petitioner is long due and out of Rs.13,16,080/- (Rupees Thirteen Lakhs Sixteen Thousand Eighty), Rs.7,00,000/- (Rupees Seven Lakhs) is a part of the gratuity amount and in terms with the Payment of Gratuity Act, 1972, it is the mandate of Section 7 that there is a requirement for payment of interest from the date the amount becomes payable.

5] The learned counsel appearing on behalf of the respondents taking into account the claim so made by the petitioner has submitted upon instructions that the respondents are ready to pay the amount of Rs.13,16,080/- (Rupees Thirteen Lakhs Sixteen Thousand Eighty) along with interest @7% on reducing balance from the date of the instant order in 12 equal installments starting from the month of April, 2024 and ending on 31.04.2024. The learned counsel for the petitioner submits on instructions that he has no objection.

6] Taking into account the said consensus, the instant petition therefore stands disposed of with a direction to the respondent Nos. 1, 2 & 3 to pay the amount of Rs.13,16,080/- (Rupees Thirteen Lakhs Sixteen Thousand Eighty) along with interest @7% from the date of the instant order on reducing balance to the petitioner in 12 equal installments starting from the month of April, 2024. The

entire amount has to be liquidated by the respondent Nos. 1, 2 and 3 by 31.03.2025.

7] The learned counsel appearing on behalf of the petitioner submits that the petitioner shall submit the details of her Bank Account to the respondent No.3 by 29.04.2024 and the said amount as above directed shall be paid to the account of the petitioner.

8] With above observations and directions, the instant petition stands disposed of.

JUDGE

Comparing Assistant