

GAHC010025672024



2024:GAU-AS:12288

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

Case No. : WP(C)/999/2024

1. DHANJIT RAJBONGSHI
S/O SRI MAHENDRA RAJBONGSHI,
RESIDENT OF VILLAGE SRIPURDEOR, PO ODALBARI, PS MUSHALPUR,
DIST BAKSA, ASSAM 781372

VERSUS

1. THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, FINANCE DEPARTMENT, DISPUR, GUWAHATI 06

2:THE DEPUTY COMMISSIONER
BAKSA
MUSHALPUR
781372

3:THE ADDITIONAL DEPUTY COMMISSIONER CUM NAZARAT OFFICER
NAZARAT BRANCH
BAKSA
MUSHALPUR
781372

4:THE ELECTION OFFICER
BAKSA
O/O THE DEPUTY COMMISSIONER
BAKSA
MUSHALPUR
ASSAM 78137

Advocate for the Petitioner : MR B M DEKA, MR R.AHMED,MS D MAHANTA

Advocate for the Respondent : GA, ASSAM, SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 04-12-2024

Heard Mr. B.M. Deka, learned counsel for the writ petitioner. Also heard Mr. K. Gogoi, learned Addl. Senior Government Advocate, Assam for the respondents.

2) By filing this petition, the petitioner has prayed for a direction to release the outstanding bill amount of Rs.18,38,795/- (Rupees eighteen lakh thirty eight thousand seven hundred ninety five) only, due to the petitioner for supply of stationery items and other ancillary works executed by the petitioner.

3) The petitioner is a proprietor of Guwahati Glass and Dhanraj Enterprise, a proprietorship firm. He being the proprietor of the said firm has been receiving and executing supply related works in the office of the Deputy Commissioner, Baksa since the year 2019, being a qualified contractor. In the year 2021, a work order was issued by the Election Officer (I/C), Election Branch in the office of the Deputy Commissioner, Baksa in favour of the petitioner firm to supply stationery items and other ancillary works for the bye-election to the Assam Legislative Assembly, 2021 of 58-Tamulpur LAC and accordingly, he had supplied the items as per the supply order and was paid the bills.

4) Thereafter, the office of the Deputy Commissioner, Baksa on exigencies from time to time, particularly, the Nazarat Branch had ordered for supply of stationery items, electrical items, labour, food for refreshment, constructions materials, services related to air conditioner, repairing of pipes, etc. in the office of the Deputy Commissioner, Baksa and accordingly the petitioner continued to

supply and executed the works at the approved rates.

5) The petitioner after satisfactorily executed the work of supply of stationery items and other ancillary works, submitted bill amounting to Rs.18,38,795/- (Rupees eighteen lakh thirty eight thousand seven hundred ninety five) only in total, for payment. However, the respondent authorities have failed to make the payment of the said amount.

6) Mr. B.M. Deka, learned counsel for the writ petitioner submits that amount of Rs.18,38,795/- (Rupees eighteen lakh thirty eight thousand seven hundred ninety five) only is total bill amount for the execution of supply of stationery items and other ancillary works, for the office of the Deputy Commissioner, Baksa which is an admitted amount. Therefore, non-payment of the said admitted amount has deprived the petitioner of his livelihood and as such, a direction may be issued to the respondent authorities to make the payment, as the same is an admitted amount payable to the petitioner.

7) Mr. K. Gogoi, learned Addl. Senior Government Advocate, Assam by relying on the communication dated 17.04.2024, from the Addl. District Commissioner cum Nazarat Officer, Baksa at Mushalpur, submits that the authorities have admitted that no dues have been released in connection with the said contractual works done by the petitioner and there is an outstanding bill amounting to Rs.18,38,795/- (Rupees eighteen lakh thirty eight thousand seven hundred ninety five) only to be paid to the petitioner. He submits that the respondent authorities could not pay the said amount due to non-sanction of the bill amount by the Government. The outstanding liabilities shall be paid to the petitioner as and when the same is released by the Government.

8) Having considered the submissions of the learned counsel for the parties

and considering that the State authorities have categorically admitted the outstanding liabilities of Rs.18,38,795/- (Rupees eighteen lakh thirty eight thousand seven hundred ninety five) only, which is due to the petitioner for supply of stationery items and other ancillary works in the office of the Deputy Commissioner, Baksa, I deem it appropriate to allow the writ petition with a direction to the respondent authorities to make payment of the said outstanding amount.

9) Accordingly, the respondent authorities are directed to pay the outstanding amount of Rs.18,38,795/- (Rupees eighteen lakh thirty eight thousand seven hundred ninety five) only to the petitioner within a period of four (4) months from today.

10) The writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant