

GAHC010031362023



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

Case No. : WP(C)/911/2023

M/S M D ASSOCIATES
REPRESENTED BY ITS PROPRIETOR NAMELY SRI KAMAKHYA DEY, AGED
ABOUT 47 YEARS, S/O LATE B.B. DEY, SITUATED AT BHETAPARA,
BELTOLA, GUWAHATI-28, P.O. AND P.S.-BASISTHA, DIST-KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GUWAHATI-6

4:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING (B AND S)
HENGRABARI
GUWAHATI-36
P.O. AND P.S.-DISPUR
DIST-KAMRUP (M)
ASSAM

5:THE MEMBER SECRETARY

DISTRICT WATER AND SANITATION COMMITTEE
DHUBRI
CUM EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING
DHUBRI DIVISION
DIST-DHUBRI
ASSAM

6:THE ASSISTANT EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING
DHUBRI SUB DIVISION
DIST-DHUBRI
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : Mr. D. Gogoi (Standing
Counsel, PHE Department)

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 17.07.2024

Heard Mr. J. I. Borbhuiya, the learned counsel appearing on behalf of the petitioner and Mr. D. Gogoi, the learned Standing Counsel, PHE Department appearing on behalf of the respondents.

2. The instant writ petition has been filed being aggrieved by the inaction on the part of the respondent authorities in making payment of the dues to the petitioner to the tune of Rs. 35,56,000/- along with interest. It is seen from a perusal of the writ petition that the petitioner was issued a supply order dated 13.02.2023 for supply of low cost sanitary materials under Nirmal Bharat Abhiyan vide supply order No. PHE/CE/B&S/PB-38/2013-14/5879.

3. It is the case of the petitioner that the petitioner had supplied in terms with the supply order and is entitled to an amount of Rs. 35,56,000/- however in spite of various representations being submitted, the respondent authorities have not paid the said amount. Resultantly, the petitioner being

aggrieved has approached this Court.

4. It is seen that this Court has issued notice on 20.02.2023, however, there is no affidavit-in-opposition filed denying to the entitlement of the petitioner.

5. This Court is of the opinion that the interest of justice would be met, if a direction is issued to the respondent authorities to make necessary verifications and thereupon pay the said amount due to the petitioner.

6. This Court directs that upon necessary verifications, if it is found that the petitioner is entitled to the said amount or any part thereof to make such payment. This Court therefore directs the petitioner to serve a certified copy of the instant order to the respondent No. 2, who upon receipt of the said certified copies shall carry out necessary verification either by himself or from his delegatee and upon verification, if it is found that the petitioner is entitled to the said amount or any part thereof the said amount be released to the petitioner within 6 (six) months from the date a certified copy of the instant order is served by the petitioner to the respondent No. 2.

7. With the above, the instant writ petitions stands disposed of.

JUDGE

Comparing Assistant