

GAHC010040362023



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

Case No. : WP(C)/1290/2023

GUWAHATI METRO TRANSPORT ASSOCIATION
REPRESENTED BY ITS PRESIDENT SRI PRABAN DEKA, S/O- LATE HARO
KANTA DEKA, R/O- ARUNDHUTI, BASISTHA, P.O. AND P.S. BASISTHA,
DIST. KAMRUP(M), ASSAM, PIN- 781029.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF TRANSPORT.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
DEPARTMENT OF HOME
DISPUR
GUWAHATI-6.

3:DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEAD QUARTER
ULUBARI
GUWAHATI-7.

4:COMMISSIONER OF POLICE

CITY POLICE
GUWAHATI-1.

5:THE DEPUTY COMMISSIONER
KAMRUP
GUWAHATI-1

Advocate for the Petitioner : MR C GOSWAMI, DIPTI CHAKRAVARTY,MR. T K MISRA

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

06.08.2024

Heard Mr. T.K. Misra, learned counsel for the petitioner Association. Also heard Mr. R.B. Goswami, learned counsel for the respondent No.1 and Mr. K. Gogoi, learned counsel for the respondent Nos. 2-5.

2. The petitioner, a registered Association of city bus owners, has made a prayer for payment of the requisition/hiring charges of their vehicles for the years 2020, 2021 and 2022.

3. The petitioner's counsel submits that the members of the petitioner Association's vehicles have been requisitioned without any prior order in writing and that the hiring charge bills of the members of the petitioner Association have not been paid till date.

4. Mr. K. Gogoi, learned counsel for the respondent Nos. 2-5 submits that in terms of the affidavit filed by the respondent No.4 on 27.06.2024, 555 bills for hire charges were received on various dates from the members of the petitioner Association. Out of the above, 535 bills for hire charges have already been forwarded to the sanctioning authority under the cover of 34 proposals. The remaining 20 bills for hire charges are pending and necessary steps are being taken to forward the same to the sanctioning authority after proper verification.

5. Mr. K. Gogoi further submits that in view of the order dated 28.06.2024 passed by this Court, requiring the respondent No.4 to make a clarification with regard to the vehicles number and the amount of dues payable against each specific vehicle number, he has received letter dated 29.07.2024 issued by the Deputy Commissioner of Police (Crime), Guwahati vide memo No. V/HC-32/WP(C) No.1290-23/2024/1300. The same is made a part of the record and marked as Annexure-X.

6. Mr. K. Gogoi submits that in terms of the above letter dated 29.07.2024, Rs.54,44,225/- has already been paid to the petitioner Association and that various other bills of the petitioner Association amounting to Rs.1,83,58,228/- have been forwarded to the sanctioning authority for approval. He submits that as and when the sanctioning authority sanctions the said amount proposed by the respondents, the money would be transferred to the members of the petitioner Association, in terms of the specifications provided in the letter dated 29.07.2024.

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

8. A perusal of the letter dated 29.07.2024 issued by the Deputy Commissioner of Police (Crime), Guwahati shows that the petitioner Association had claimed outstanding dues amounting to Rs.2,38,02,453/- and on scrutiny of the records, it was seen that Rs.54,44,225/- had already been paid to the petitioner Association, relating to 121 bills. In respect of the remaining 414 bills, amounting to Rs.1,83,58,228/-, proposals have been sent to the Assam Police Headquarters to accord sanction and to allot funds for payment to be made, in terms of the charts provided in the letter dated 29.07.2024.

8. In view of the fact that the State respondents have admitted their liability for payment of the hiring charges of the vehicles of the members of the petitioner Association, the respondents are directed to complete the exercise of according sanction and allotment of funds, besides making payments to the members of the petitioner Association, in terms of the letter dated 29.07.2024, within a period of 5(five) months from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant