

GAHC010044732024



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

Case No. : Review.Pet./31/2024

THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY, WATER RESOURCES DEPARTMENT,
DISPUR, GUWAHATI-781006, ASSAM

2: THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
CHANDMARI
GUWAHATI-781003.

3: THE EXECUTIVE ENGINEER
NAGAON WATER RESOURCES DIVISION
NAGAON
ASSA

VERSUS

M/S BHABANI PERFORMER AND 2 ORS
PANDU, P.O. PANDU, P.S. JALUKBARI, DIST. KAMRUP(M), ASSAM,
REPRESENTED BY ITS PARTNER SRI DEBASHIS BHATTACHARJEE, S/O-
LATE RATHINDRA BHATTACHARJEE, R/O- PANDU, P.O. PANDU, P.S.
JALUKBARI, DIST. KAMRUP(M), ASSAM

2:DEBASHIS BHATTACHARJEE
S/O- LATE RATHINDRA BHATTACHARJEE
R/O- PANDU
P.O. PANDU
P.S. JALUKBARI
DIST. KAMRUP(M)
ASSAM

3:DEBOJIT BHATTACHARJEE
S/O- LATE RATHINDRA BHATTACHARJEE
R/O- PANDU
P.O. PANDU

P.S. JALUKBARI
DIST. KAMRUP(M)
ASSA

For the Petitioner(s) : Mr. C. Sharma, Standing Counsel

For the Respondent(s) : Ms. R. Baruah, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 23.09.2024

Heard Mr. C. Sharma, the learned Standing counsel appearing on behalf of the Water Resource Department of the Government of Assam and Ms. R. Baruah, the learned counsel appearing on behalf of the writ petitioners.

2. The instant review application has been filed seeking review of the order dated 18.11.2023 passed in WP(C) No.4535/2023 whereby this Court vide the order directed the Chief Engineer, Water Resource Department, Chandmari to make necessary verifications as regards the entitlement of the Petitioners and if it is found that the Petitioners are entitled to such amount, the payment be made within a period of 6 months from the date of receipt of the certified copy of the said order.

3. It is seen from the order dated 21.08.2024 that upon verification, it has been found that the writ Petitioners are entitled to an amount of Rs.1,97,653/-. However, it is the specific case of the Review Petitioners that the amount is liable to be paid by the Ministry of Jal Shakti, Government of India and not the State Government taking into account

that in respect to the scheme wherein the writ Petitioners had executed the contractual work, the liability of the Ministry of Jal Shakti, Government of India is 90% and the State Government's share is only 10%.

4. Taking into account the above, it is the opinion of this Court that the directions which have been passed by this Court in its order dated 18.11.2023 passed in WP(C) No.4535/2023 is required to be reviewed inasmuch as an error apparent on the face of the record had crept in. Accordingly, the order dated 18.11.2023 passed in WP(C) No.4535/2023 is recalled.

5. The Writ Petition being WP(C) No.4535/2023 is accordingly restored back to the file.

6. Review petition stands allowed.

\ JUDGE

Comparing Assistant