

GAHC010049122022



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

**Case No. : WP(C)/1965/2022**

ANAMIKA SOCIAL WELFARE SOCIETY  
REPRESENTED BY ITS SOCIETY REPRESENTED BY ITS PRESIDENT SRI  
JYOTISH DEKA, AGED ABOUT 52 YEARS, S/I LT. GUNARAM KALITA, R/O  
MURARA, P.O.-RANGIA, KAMRUP (R), ASSAM, PIN-781354

VERSUS

THE STATE OF ASSAM AND 6 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, PUBLIC  
HEALTH ENGINEERING CUM THE MISSION DIRECTOR, SBM (G), ASSAM,  
HENGRABARI, GUWAHATI-36

2:THE CHIEF ENGINEER  
PUBLIC HEALTH ENGINEERING  
SANITATION  
HENGRABARI  
GUWAHATI-36

3:THE CHAIRMAN  
KDWSC  
CUM DEPUTY COMMISSIONER (R)  
KAMRUP  
AMINGAON

4:THE MEMBER SECRETARY  
KDWSC  
CUM EXECUTIVE ENGINEER  
(PHE) GUWAHATI DIVISION NO. I

5:THE ASSOCIATE MEMBER SECRETARY  
KDWSC  
CUM EXECUTIVE ENGINEER (PHE)

RANGIA DIVISION  
RANGIA

6:THE CHAIRMAN SONPAUR VWSC  
CUM PRESIDENT SONAPUR GAON PANCHAYAT

7:THE MEMBER SECRETARY  
SONAPUR GAON PANCHAYAT  
WATER SANITATION COMMITTEE

**Advocate for the Petitioner** : MR. A K SARMA

**Advocate for the Respondent** : SC, P H E

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**Date : 19-06-2024**

Heard Mr. H.J. Tamuli, learned counsel for the petitioner. Also heard Mr. R.R. Gogoi, learned standing counsel for the PHE Department appearing for the respondent nos. 1, 2, 4, 5, 6 and 7 and Ms. U. Das, learned counsel for the respondent no.3.

2. The case of the petitioner, a non-government organization is that the respondent no.7 had issued two orders dated 03.08.2017 and 19.08.2017, for construction of 50 and 76 nos. of low cost individual household latrines respectively. The latrines were to be constructed at a cost of Rs.12,000/- each under the Sashwa Bharat Mission. The petitioner's grievance is that though he had executed the construction of 126 nos. of latrines and submitted his final bills dated 03.10.2017 and 22.12.2017, for the amounts of Rs. 6,00,000/- and Rs. 9,12,000/- respectively, the respondents have not paid him his contractual dues amounting to Rs. 15,12,000/- till date.

3. Mr. R.R. Gogoi, learned counsel for the PHE Department has submitted letter dated 14.03.2024 issued by the Chief Engineer (PHE), Sanitation Assam, addressed to Sri P.N. Goswami, the Additional Advocate General, Standing counsel, PHED, with the para-wise reply to the present case as an Annexure to the letter.

4. In reply to para-7 of the writ petition, the para-wise comments states that the claim made by the writ petitioner is not found correct as per office records. The writ petitioner is eligible for payment of 88 nos. of individual household latrines out of 126 nos.

5. The relevant paragraph no.7 of the para-wise reply is reproduced herein below as follows:

*“Reply to Para no.7: The claim made by the said petitioner is not found correct as per Office records. The said petitioner is eligible for payment of 88 nos. IHHL out of 126 nos. IHHL (27 nos. eligible for Bill No.626 and 61 nos. eligible for Bill No.860).”*

6. In view of the admission made by the Chief Engineer, PHE, Sanitation, Assam that the petitioner is eligible for payment of 88 nos. of individual household latrines out of 126 nos. claimed by the petitioner, the respondents are bound to pay the petitioner his contractual dues, for construction of 88 nos. of individual household latrines.

7. The Chief Engineer (respondent no.2) is accordingly directed to compute the amount payable to the petitioner for 88 nos. of individual

household latrines and pay the admitted amount to the petitioner, within a period of 6(six) weeks from the date of receipt of a copy of this order.

8. In view of the respondents having admitted the claim of the petitioner to the extent of 88 nos. of individual household latrines against the petitioner's claim of 126 nos. of latrines, the petitioner is given the liberty to approach the Civil Court for making his claim against the remaining disputed work done by him, as per law.

9. The letter dated 14.03.2024 issued by the respondent no.2 and the para-wise comments annexed thereto are made a part of the record and are marked as Annexure-X collectively.

10. The writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**