

GAHC010050762023



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

Case No. : WP(C)/1524/2023

KALPA ADHIKARI
S/O- LT. KHITINANDA ADHIKARI,
RESIDENT OF CHOPAI, P.O.- CHOPAI,
P.S.- MANGALDOI, DIST.- DARRANG,
ASSAM, PIN- 784529.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
WATER RESOURCES DEPARTMENT,
DISPUR, GUWAHATI-6, ASSAM.

2:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
CHANDMARI
GUWAHATI-3
ASSAM.

3:THE SUPERINTENDING ENGINEER
SOUTHERN ASSAM CIRCLE
WATER RESOURCES DEPARTMENT
CHANDMARI
GUWAHATI-3
ASSAM.

4:THE EXECUTIVE ENGINEER
MANGALDOI WATER RESOURCES DIVISION
MANGALDOI
ASSAM.

5:THE SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (GENERAL) DEPARTMENT

DISPUR
GUWAHATI-6
ASSAM.

6:THE DEPUTY COMMISSIONER
DARRANG
MANGALDOI
ASSAM

Advocate for the Petitioner : MR. P K MAZUMDAR, MR. R K MAZUMDAR

Advocate for the Respondent : SC, WATER RESOURCE, SC, REVENUE DEPARTMENT,GA,
ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

02.08.2024

1. Heard Mr. P.K. Mazumdar, learned counsel for the petitioner. Also heard Mr. S.R. Barua, learned counsel for the respondent no.6 and Ms. R. Deka, learned counsel for the respondent nos.1,2, 3 & 4. Mr. H. Handique, learned counsel appears for the respondent no.5.
2. The petitioner has filed this petition for release of his contractual bills amounting to Rs.5,46,777/-, in respect of the works done by the petitioner, namely "Immediate measures to restore flood damages on Noanadi L/B embankment from Sitikapara to Rajghat (including closing of breach at Mojachuburi) under SDRF 2018-19 (Part-I)".
3. The petitioner's counsel submits that as per the Completion Certificate issued by the Executive Engineer, Mangaldoi Water Resources Division, the petitioner is entitled to Rs.5,46,777/- as on date.

4. Mr. S.R. Barua, learned counsel for the respondent no.6 has brought the records and also the parawise comments made by the respondent no.6.
5. The parawise comments which has submitted by Mr. S.R. Barua and the documents annexed with the parawise comments are made a part of the record and marked as Annexure-X collectively.
6. A perusal of the same clearly goes to show that the petitioner is to be paid Rs.5,46,777/- as per the Certificate issued by the Executive Engineer, Mangaldoi Water Resources Division. The parawise comments also do not deny the petitioner's claim for payment of Rs.5,46,777/-.
7. In view of the fact that the petitioner's claim is an admitted amount, the respondent no.5 is directed to make funds available to the other respondents for payment of the admitted dues of the petitioner. Thereafter the admitted contractual dues should be paid. The entire exercise should be concluded within a period of 4 (four) months from the date of receipt of a certified copy of this order.
8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant