

GAHC010050762023



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

Case No. : WP(C)/1496/2023

UTPAL DEKA AND ANR
S/O- LT. CHANA RAM DEKA

RESIDENT OF MANGALDOI GAON

P.O. AND P.S.- MANGALDOI

DIST.- DARRANG
ASSAM

PIN- 784125.

2: M/S MUNMI ENTERPRISE
REPRESENTED BY ITS PROPRIETOR

SRI UTPAL DEKA

S/O- LT. CHANA RAM DEKA

RESIDENT OF MANGALDOI GAON

P.O. AND P.S.- MANGALDOI

DIST.- DARRANG
ASSAM

PIN- 784125.
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 : MR. P K MAZUMDAR

Advocate for : SC

WATER RESOURCE appearing for THE STATE OF ASSAM AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

02.08.2024

1. Heard Mr. P.K. Mazumdar, learned counsel for the petitioners, who are (i)

Utpal Deka and (ii) M/s Munmi Enterprise, represented by the petitioner no.1. 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 petitioners have filed the present writ petition, praying for release of their contractual bills, in respect of the works done by the petitioners, 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 petitioners' case is that despite issuance of Completion Certificate by the Executive Engineer, Mangaldoi Water Resources Division, the petitioners have not been paid their contractual dues, which are as follows :

- (i) Utpal Deka – Rs.5,44,554/-
- (ii) M/s Munmi Enterprise – Rs.4,99,285/-

4. The petitioners' counsel prays that the total amount of Rs.10,43,839/- should be paid by the respondents.

5 Mr. S.R. Barua, learned counsel for the respondent no.6 has produced the records and also submitted the parawise comments received by him, in respect of the present writ petition.

6. 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.

7. A perusal of the same shows that the State respondents have admitted to the fact that they have to pay the total amount of Rs.10,43,839/- to the petitioners, as has been claimed by the petitioners in the foregoing paragraphs.

8. In view of the fact that the petitioners' claim are admitted amounts, the respondent no.5 is directed to make funds available to the other respondents, for payment of the admitted dues of the petitioners. 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.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant