

GAHC010056252017



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

Case No. : WP(C)/7708/2017

PRADIP BAHADUR CHETRY
S/O SRI BOM BAHADUR CHETRY R/O VILL- SHIVPUR NEPALI BASTI, .O.
LAMSAKHANG DIST. KARBI ANGLONG, ASSAM PIN - 782446.

VERSUS

THE KARBI ANGLONG AUTONOMOUS COUNCIL and 4 ORS.
REP. BY ITS PRINCIPAL SECRETARY, P.O. DIPHU DIST. KARBI ANGLONG,
ASSAM, PIN - 782460.

2:THE JOINT SECRETARY
PUBLIC WORKS DEPARTMENT
KARBI ANGLONG AUTONOMOUS COUNCIL
P.O. DIPHU DIST. KARBI ANGLONG
ASSAM
PIN - 782460.

3:THE ADDITIONAL CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT R and B HILLS
ASSAM
P.O. DIPHU
DIST. KARBI ANGLONG
ASSAM
PIN - 782460.

4:THE EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT ROADS BAITHALANGSO DIVISION
DONKAMOKAM DIST. KARBI ANGLONG
ASSAM
PIN - 782450.

5:THE ASSISTANT EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT ROADS
KHERONI P.W.D. R SUB-DIVISION
P.O. KHERONI
DIST. KARBI ANGLONG
ASSAM
PIN - 782440

Advocate for the Petitioner : MR.B KUMAR

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 24.06.2024

Heard Mr. S. Upadhyay, learned counsel for the petitioner. Also heard Ms. S. Kemprai, learned Standing Counsel, KAAC for the State respondents.

By filing this petition under Article 226 of the Constitution of India, the petitioner is seeking payment of Rs. 1,45,100/- against his contractual bill.

The case of the petitioner is that the petitioner had executed works against work order dated 27.11.2014 issued by the Executive Engineer, PWD (R), Baithalangso Division under the Respondent No. 5. The amount of such work was fixed at Rs. 2,45,564/- (Rupees two lacs forty five thousand five hundred sixty four) only. After completion of entrusted works of Executive Engineer, PWD (R), Work Completion Certificate was issued to the petitioner on 26.12.2014 by the Executive

Engineer, PWD (R) certifying that the work has been verified physically by him and found complete by the petitioner in all respect as per specification, drawing and tender agreement.

It was further certified that Rs. 1,45,100/- (Rupees one lac forty five thousand one hundred) only is the value of the outstanding bill.

Though representations have been filed to the respondent authorities for release of the aforesaid admitted amount to the petitioner, the same having not been done, the present writ petition has been filed.

Heard the parties and perused the materials available on record.

It appears that despite certification of the amount in due by the concerned Executive Engineer, PWD (R), the bill of the petitioner is pending since 2014.

It is absolutely unfortunate that despite the petitioner has completed the work to the full and final satisfaction of the respondent authorities, his contractual bill has been kept pending till date.

This is sheer deprivation of the fundamental right of the petitioner and this Court strongly depreciates such non-action of the respondent authorities in releasing the admitted pending bills of the contractors after successful completion of the work.

Accordingly this Court is of the considered view that this writ

petition can be disposed of with a direction to the respondent authorities to release the outstanding bill amount of the petitioner in terms of ***Tasmsher Ali and others Vs State of Assam and others reported in 2008 (4) GLT 1*** within a period of 1(one) month from today from the date of receipt of certified copy of the order.

Disposed of.

JUDGE

Comparing Assistant