

GAHC010057052023



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

Case No. : Cont.Cas(C)/145/2023

ZEETENDRA SALAI
S/O LATE SURYA KANTA SALAI, R/O HOUSE NO. 29, SANTIPUR MAIN
ROAD, BHARALUMUKH, GUWAHATI, ASSAM, PIN-781009

VERSUS

MEGHA NIDHI DAHAL
THE COMMISSIONER, GUWAHATI MUNICIPAL CORPORATION,
PANBAZAR, GUWAHATI, DIST-KAMRUP (M), ASSAM

Advocate for the Petitioner : MR SAURADEEP DEY, MR P H KONWAR

Advocate for the Respondent : MR. D SAIKIA (r-1), MR. S BORA (r-1)

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

09.09.2024

Heard Mr. S. Borthakur, learned counsel for the petitioner. Also heard Mr. S. Bora, learned Standing Counsel for the GMC.

The petitioner claims that he has executed a work for cleaning, desilting and maintenance of some city drains in Guwahati City under the Gauhati Municipal

Corporation. According to him, he has not been paid the bills and his contract was terminated.

In the aforesaid backdrop, the petitioner had earlier approached this Court by filing writ petition being WP(C) No. 3164/2021 (**Zeetendra Saloi –Vs- The State of Assam and ors**). The said writ petition was disposed of by a Coordinate Bench under its order dated 20.12.2022 providing that the GMC and GDD authority shall undertake a verification exercise and on the basis of such verification, the amount due to the petitioner be paid. Alleging violation of the aforesaid order dated 20.12.2022, the present contempt petition is filed.

An affidavit has been filed by the respondent GMC and they have taken a stand that the petitioner has only completed 30% of the work awarded and therefore, after calculation and verification, it was arrived at a value of Rs. 1,14,59,435/- (Rupees One Crore Fourteen Lakhs Fifty Nine Thousand Four Hundred Thirty Five) only to be payable to the petitioner. A copy of such report has also been annexed. The aforesaid paragraph is quoted herein below:-

“That in view of the calculation above the petitioner is entitled to 30% of the work undertaken valued at Rs. 1,14,59,435/- (Rupees One Crore Fourteen Lakhs Fifty Nine Thousand Four Hundred Thirty Five) only”

Mr. Borthakur, learned counsel for the petitioner submits his client will be agreeable if the aforesaid amount is paid at the early date.

At this stage, Mr. Bora, learned Standing Counsel for the GMC submits that such payment shall be made by GMC within a period of four months on receipt of fund from the Guwahati Development Department [presently named as Department of Housing and Urban Affairs, Government of Assam] as directed in the earlier writ petition being WP(C) No. 3164/2021 (**Zeetendra Saloi –Vs- The State of Assam and ors**).

Be that as it may, in view of the admitted position and the settlement arrived at between the parties, the contempt petition stands closed by granting four months further time to GMC and GDD [presently named as Department of Housing and Urban Affairs, Government of Assam] to make such payment as directed by this Court under its order dated 20.12.2022 in WP(C) No. 3164/2021.

Accordingly the contempt petition stands closed with a liberty to the petitioner to file afresh petition in case of non compliance.

JUDGE

Comparing Assistant