

GAHC010064162022



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

Case No. : WP(C)/2543/2022

M/S SUN SECURITY SERVICE
A PROPRIETORSHIP FIRM HAVING ITS OFFICE AT HOUSE NO. 211, R.G.
BARUAH ROAD, GUWAHATI-781024, REPRESENTED BY ITS PROPRIETOR
MAJ. SURAJIT BARMAN

VERSUS

UNION OF INDIA AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF RAILWAYS,
NEW DELHI

2:NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
REPRESENTED BY ITS GENERAL MANAGER

3:SENIOR COACHING DEPOT OFFICER
NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHAT

Advocate for the Petitioner : MR. D P BORAH

Advocate for the Respondent : ASSTT.S.G.I.

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO
ORDER

17.05.2024

Heard Mr. D P Borah, learned counsel for the petitioner and Mr. S K Medhi, learned CGC appearing for the respondents. The petitioner prays for payment of a sum of Rs. 28,11,610/-, which is the amount due to him for the work undertaken pursuant to the contract agreement signed on 25.09.2014 (Annexure-1). The learned counsel submits that the contract agreement was for a value of Rs. 52,45,644.00/-. Although the petitioner was paid his bill up to till March, 2014, the remaining balance has not been paid till date as reflected herein above.

[2.] Mr. S K Medhi, learned CGC by referring to the statements made in paragraph No. 19 of the counter affidavit filed by the respondents on 01.03.2023 submits that the concerned petitioner submitted the score cards with bills for the period from 26.04.2016 to 25.10.2015 (6 months) and accordingly, the bills were prepared and intimation was given to the petitioner through speed post on 29.08.2017, for attending the office to sign the bills and for further process. However, the petitioner did not come to the office for signing the bills.

[3.] Mr. D P Borah, learned counsel for the petitioner, on the other hand, submits that the petitioner has otherwise been informed vide Communication dated 22.12.2021 against the demand for releasing of the long outstanding payment that since the matter is subjudice, necessary action will be taken after order of the Hon'ble High Court.

[4.] Upon hearing the learned counsels for parties and upon perusing the materials available on record, it appears that there is no dispute regarding the outstanding liability to be paid to the petitioner and therefore, the Writ Petition is disposed of with a direction to the respondent authorities more particularly respondent Nos. 2 & 3 to look into the claim of the petitioner and make necessary verification within a period of 4 weeks from the date of receipt of a certified copy of this order. If the amount is found to be due to the petitioner, the same should be released to the petitioner without any further delay preferably within a period of 1 (one) month thereafter.

JUDGE

Comparing Assistant