

GAHC010065542024



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

Case No. : WP(C)/1790/2024

TIBBAHAN HAJOARY
S/O- LT. BANESWAR HAJOARY,
VILLAGE- NIMAIPUR,
P.O.- MOHANPUR, P.S.- UDALGURI,
DISTRICT- UDALGURI, BTC, ASSAM,
PIN- 784509.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
IRRIGATION DEPARTMENT, ASSAM,
DISPUR, GUWAHATI- 781006.

2:THE CHIEF ENGINEER IRRIGATION/ MINOR IRRIGATION
ASSAM
CHANDMARI
GUWAHATI- 781003.

3:THE COUNCIL OF HEAD OF DEPARTMENT (CHD)
IRRIGATION (BTC)
KOKRAJHAR
ASSAM
PIN- 783370.

4:THE SUPERINTENDING ENGINEER
KOKRAJHAR CIRCLE (IRRIGATION)
KOKRAJHAR
ASSAM
PIN- 783370.

5:THE EXECUTIVE ENGINEER

PANERI-KALAIGAON DIVISION (IRRIGATION)
TANGLA
DISTRICT- UDALGURI
BTC

ASSAM
PIN- 784509.

6:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006.

7:THE TREASURY OFFICER
UDALGURI TREASURY
UDALGURI
P.O. AND P.S.- UDALGURI

BTC
ASSAM
PIN- 784509

Advocate for the Petitioner : MR. S CHAUHAN

Advocate for the Respondent : SC, IRRIGATION

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

01.04.2024

Heard Mr. S. Chauhan, learned counsel for the petitioner, who submits that the petitioner was given 3 work orders by the Executive Engineer (Irrigation), Tangla Division, which he has completed. However, though the petitioner has been given his bills for the contract work in question, the respondents have not released the security deposit for the 3 works amounting to Rs.1,46,791/-, even though the defect liability period has now expired. He accordingly submits that

the petitioner should be given the security deposit lying with the office of the Superintending Engineer, Kokrajhar Circle (Irrigation).

2. Mr. R.K. Muchahary, learned counsel for the respondent Nos. 3, 4 & 5; Mr. N. Upadhyay, learned counsel for the respondent Nos. 1 & 2 and Mr. B. Gogoi, learned counsel for the respondent Nos. 6 & 7 submit that the respondents will verify as to whether the petitioner has been paid his security deposit money and if the same has not been paid, the same will be paid to the petitioner.

3. I have heard the learned counsels for the parties.

4. The petitioner has been given the following construction works by the Executive Engineer (Irrigation) along with estimate amount, which are reproduced in the chart made below. Further, the security deposit for each of the contract work is also reflected in the chart made below-

Sl. No.	Contract Work	Work Order Date	Amount (Rs.)	Security Deposit (Rs.)
1.	Cattle & Cart Crossing Culvert	22.10.2019	4,73,845/-	40,466/-
2.	RCC Canal	22.10.2019	4,46,698/-	38,133/-
3	Construction of Canal Sump from ch. 0.00m to 12.00m at Batabari Nabin Dong	06.02.2021	7,98,570/-	68,192/-

5. The respondent Nos. 2, 4 & 5 shall verify as to whether the security deposit has been released to the petitioner and if the same has not been released, the same should be released within a period of 1(one) month from the date of receipt of a certified copy of this order.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant