

GAHC010067402023



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

Case No. : WP(C)/1862/2023

ASHOK KUMAR AGARWALLA
S/O- LATE SURAJMAL AGARWALLA,
R/O- 202, MAHAVEER APARTMENT,
USHA GALI, A.T. ROAD,
GUWAHATI, DIST. KAMRUP(M),
ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
HOME DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI

DIST.- KAMRUP(M).

3:THE COMMISSIONER OF POLICE
GUWAHATI
DIST.- KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

29.01.2024

- 1.** Heard Ms. S. Kakoti, learned counsel for the petitioner and Mr. G. Bokolial, learned counsel for all the respondents.
- 2.** The petitioner's counsel submits that the petitioner has not been paid his contractual dues amounting to Rs.63,44,736/- for the use of his water tankers and Bolero by the respondent No.3. The registration numbers of the four vehicles are AS-14-AE-8966, AS-01-R-0551, AS-01-FC-5051 and As-01-DC-0593.
- 3.** The petitioner's counsel submits that though the bill of Rs. 63,44,736/- has been submitted to the authorities as hiring charges for the vehicles, the said amount has not been paid to the petitioner as on today. She also submits that the respondent No.3 has, in his affidavit-in-opposition dated 12.01.2024, in Paragraph No. 5 admitted to the amount of Rs.59,67,717/- for which sanction has been asked for from the concerned authority for payment of the hiring charges to the petitioner. She accordingly submits that a direction may be issued to the respondent authorities to pay the said admitted amount within a specified time period.
- 4.** Mr. G. Bokolial, learned counsel for all the respondents, submits that he has no objection to the prayer made by the petitioner's counsel, keeping in view Paragraph No. 5 of the affidavit dated 12.01.2024 submitted by the respondent No.3.

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

6. Paragraph No. 5 of the affidavit-in-opposition filed by the respondent No.3 is to the following effect-

“5. That with regard to the averments made in paragraphs 4, 5 and 6 of the writ petition, the deponent begs to state that as per the available records and altogether 24 nos. of Hire Charges bills has been received from the petitioner on various dates. The hire charge bills were checked and verified with the available concerned records and thereafter forwarded to the sanctioning authority i.e. O/O of the Director General of Police, Assam, Ulubari, Guwahati to accord sanction of the amount of Rs. 59,67,717/- only, entitled under proposal No. 01-10 dated 25.04.2023, 1808-1816 dated 24.04.2023 and 1744-1748 dated 30.01.2023.

It is further stated that once sanction against each proposal is received from the sanctioning authority, all necessary steps will be taken to make payment of the entitled amount to the petitioner.”

7. In view of the fact that the state respondents have admitted to the fact that sanction has been asked for payment of Rs.59,67,717/- from the authorities for hiring charges to be paid to the petitioner, it is clear that the admitted amount would have to be paid by the state respondents.

8. Accordingly, the respondents are directed to pay the amount of Rs.59,67,717/- to the petitioner, within a period of 3(three) months from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant