

GAHC010071342023



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

Case No. : WP(C)/1856/2023

JITEN KALITA
SON OF LATE GOBINDA KALITA,
RESIDENT OF BASISTHAPUR BYE LANE NO. 2,
RASARAJ PATH, P.O.- BELTOLA,
P.S.- HATIGAON,
DISTRICT- KAMRUP(M), ASSAM,
PIN- 781028.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
WATER RESOURCE DEPARTMENT,
ASSAM SECRETARIAT, DISPUR,
GUWAHATI-6.

2:COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM SECRETARIAT
DISPUR

GUWAHATI-6.

3:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
GOVT. OF ASSAM
GUWAHATI-3
ASSAM.

4:THE EXECUTIVE ENGINEER
WATER RESOURCE DEPARTMENT
GUWAHATI EAST WATER RESOURCE DIVISION

GUWAHATI- 08
ASSAM.

5:THE ADDITIONAL CHIEF SECRETARY
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR

GUWAHATI-06.

6:THE DEPUTY COMMISSIONER CUM CHAIRMAN
DISTRICT DISASTER MANAGEMENT AUTHORITY
ASSAM KAMRUP METRO.

7:THE PRINCIPAL SECRETARY TO GOVT. OF ASSAM
GDD
DISPUR.

8:THE PRINCIPAL SECRETARY TO GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT. AND CEO
ASDMA
ASSAM SECRETARIAT
DISPUR

GUWAHATI-06

Advocate for the Petitioner : MR. N J GOGOI

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

26.07.2024

1. Heard Mr. N.J. Gogoi, learned counsel for the petitioner, who submits that the petitioner had completed the contract work allotted to him against the scheme "Immediate measures to flood damage restoration of Tamulibari and its adjoining areas under Chandrapur Revenue Circle of river Brahmaputra unde

SDRF for 2018-2019". However, he has not been paid his contractual dues amounting to Rs.17,99,949/-.

2. Ms. R. Deka, learned counsel appears for the Water Resources Department submits that the petitioner was allotted work against the said scheme amounting to Rs.17,99,949/- issued by the then Executive Engineer, Guwahati East Water Resource Division, Guwahati. The Work Completion Report for payment to the petitioner was submitted to the Deputy Commissioner, Kamrup(M) by the then Executive Engineer, vide office letter No.GED/TECH/FDR/2005/Pt-VI/199/160 dated 05.08.2019.

3. Mr. S.R. Barua, learned counsel for the Deputy Commissioner's office has submitted a letter dated 23.07.2024 issued by the Additional District Commissioner & CEO, District Disaster Management Authority, Kamrup Metropolitan District, Guwahati, which is to the effect that the petitioner is to be paid Rs.17,99,949/-.

4. Mr. J. Handique, learned counsel for the respondent nos. 5 & 8 submits that some amount of money has been released by the State Government to the Revenue Department. He submits that verification would have to be made, with regard to the amount payable to the petitioner along with the other claimants. Thereafter, if the petitioner is entitled to the said amount, the same will be paid to him.

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

6. As can be seen from the submissions made by the counsels for the parties, the petitioner was allotted work vide work order no.GED/tech/SDRF (E-Tender)/W/2018-19/25 against the scheme "Immediate measures to flood damage restoration of Tamulibari and its adjoining areas under Chandrapur Revenue Circle of river Brahmaputra unde SDRF for 2018-2019" amounting to Rs.17,99,949/- issued by the then Executive Engineer, Guwahati East Water Resource Division, Guwahati. The Water Resources Department in their affidavit admitted that the petitioner has completed the allotted work and completion report has also been made. The Deputy Commissioner's office, District Disaster Management Authority, Kamrup Metropolitan District, Guwahati have also admitted that the petitioner is to receive Rs.17,99,949/- for completing the contract work allotted to him.

7. As Mr. J. Handique, learned counsel for the Revenue Department submits that some funds have been received for payment for contractual dues to various contractors, the Revenue Department, i.e. the respondent no.8 is directed to re-verify the amount payable to the petitioner, if required and make payment of the admitted amount, within a period of 6 (six) weeks from the date of receipt of certified copy of this order.

8. The letter dated 23.07.2024 issued by the Additional District Commissioner & CEO, District Disaster Management Authority, Kamrup Metropolitan District, Guwahati is made a part of the record and marked as Annexure-X.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant