

GAHC010081162023



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

Case No. : WP(C)/2147/2023

ASHUTOSH BANIK
S/O- LATE GOURANGA CHANDRA BANIK,
RESIDENT OF HOSPITAL ROAD,
SAHID SUNIL SARKAR LANE,
HOUSE NO. 44, P.O. AND P.S.- SILCHAR,
DISTRICT- CACHAR, ASSAM,
PIN- 788005.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HEALTH COMPLEX
HENGRABARI

GUWAHATI
PIN- 781036.

3:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
KHANAPARA
GUWAHATI- 781022.

4:THE SUPERINTENDENT
SILCHAR MEDICAL COLLEGE AND HOSPITAL
SILCHAR

GHOONGUR
DISTRICT- CACHAR

ASSAM
PIN- 788014.

5:THE ADDITIONAL SUPERINTENDENT
SILCHAR MEDICAL COLLEGE AND HOSPITAL
SILCHAR
GHOONGUR
DISTRICT- CACHAR

ASSAM
PIN- 788014.

6:THE PROF. IN-CHARGE
DIET SECTION
SILCHAR MEDICAL COLLEGE AND HOSPITAL
SILCHAR
GHOONGUR
DISTRICT- CACHAR

ASSAM
PIN- 788014.

7:THE ACCOUNTANT (H)
SILCHAR MEDICAL COLLEGE AND HOSPITAL
SILCHAR
GHOONGUR
DISTRICT- CACHAR

ASSAM
PIN- 788014

Advocate for the Petitioner : MR. D CHAKRABARTY,

Advocate for the Respondent : SC, HEALTH,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

21.08.2024

1. Heard Mr. D. Chakrabarty, learned counsel for the petitioner. Also heard Mrs. S. Sarma, learned counsel for all the respondents.

2. The petitioner's case is that pursuant to a tender notice dated 15.09.2016, for supply of dietary articles under Group-1 to the Diet Section of the Silchar Medical College and Hospital, the petitioner was selected as the successful tenderer vide letter dated 21.09.2016 issued by the respondent No.4. The petitioner thereafter supplied the dietary articles required for the hospital and submitted his bills amounting to Rs.41,96,374.96/-.

3. The petitioner's counsel submits that the petitioner's supply bills have not been cleared till date.

4. Mrs. S. Sarma, learned counsel for the respondents, on the other hand, submits that due to some anomalies found in the supply of dietary items to the Silchar Medical College and Hospital, two police cases were registered, being Silchar P.S. Case No.40/2019 under Sections 420/409/34 IPC and Silchar P.S. Case No.1267/2019 under Sections 420/409 IC and all documents were seized by the police. Though the petitioner is not an accused in the said cases registered by the police, the petitioner's documents, including his bills have been seized by the police. She accordingly submits that due to the absence of the required documents and bills of the petitioner, no verification could be made, so as to ascertain the veracity of the petitioner's claim for payment of Rs.41,96,374.96/-.

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

6. As can be seen from the averments made in the pleadings, the petitioner had completed the supply of dietary articles on 11.03.2019. However, the petitioner's supply bills amounting to Rs.41,96,374.96/- has not been paid to the

petitioner, on the ground that no verification could be done due to the seizure of documents by the police pertaining to cases, in which the petitioner is not an accused. The affidavit of the respondents also does not indicate that there has been any anomaly in the supply of dietary articles by the petitioner or that he has not completed the supplies that were to be made by the petitioner.

7. In that view of the matter, this Court does not find any reason for the respondents to delay the verification and payment of the dues of the petitioner. Consequently, the respondents are directed to verify the claim of the petitioner and thereafter make payment of the admitted dues to the petitioner. In the event the respondents have to clarify the claim of the petitioner by requiring the documents that were seized by the police, necessary requests for the same should be made to the concerned Police authorities. The Police authorities shall thereafter allow verification of the seized documents, so that the respondents can verify the amount due to the petitioner. The entire exercise of verification and payment of the admitted amount to the petitioner should be concluded within a period of 3(three) months, from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant