

GAHC010082902024



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

Case No. : WP(C)/2233/2024

RAHUL LAHKAR
@PACKAGE NO. (C AND D/48),
SON OF LATE ARUN LAHKAR,
RESIDENT OF CHANGSARI, DHOPATARI BAZAAR,
P.O- CHANGSARI, P.S.- CHANGSARI,
GUWAHATI- 781101, DIST.- KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY,
GUWAHATI DEVELOPMENT DEPARTMENT,
4TH FLOOR, BLOCK-D, ASSAM SACHIVALAYA,
DISPUR, GUWAHATI- 781006.

2:GUWAHATI MUNICIPAL CORPORATION
REPRESENTED BY ITS COMMISSIONER

BHANGAGARH
GMDA BUILDING
GUWAHATI- 781005.

3:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
BHANGAGHAR
GMDA BUILDING
GUWAHATI- 781005

Advocate for the Petitioner : MR S P DAS

Advocate for the Respondent : SC, GMC

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

29.04.2024

1. Heard Ms. S. Baishya, learned counsel for the petitioner, who submits that the respondent no.3 had published an invitation for bids dated 28.01.2021, for "cleaning, desilting and maintenance of all the city drains in Guwahati city for the year 2020-2021". The petitioner's bid was accepted in relation to Package No.(C&D/48) and the petitioner was issued a Letter of Acceptance by the respondent no.3 and a notice to proceed with the work, after furnishing the requisite Performance Security and signing of the contract. After the petitioner started executing the work as per the programme, the petitioner was served with a Show-Cause Notice issued by the respondent no.3, to which the petitioner submitted a reply. However, the petitioner was served with a termination notice issued by the respondent no.3 on 12.06.2021, terminating the work order dated 11.05.2021 made against Package No.(C&D/48) with immediate effect.

2. The petitioner's counsel submits that the petitioner should be given payment for the work done by the petitioner after verification. She submits that a series of similar writ petitions filed by the different contractors before this Court has been disposed of, one of them being WP(C) 3164/2021, wherein vide order dated 20.03.2024, the GMC & GDD have been directed to undertake a verification exercise including measurement of the work done for payment. She submits that a similar direction may be passed in this case.

3. Mr. S. Bora, learned counsel appearing for all the respondents submits that the present case can be disposed of, in terms of the order dated 20.03.2024 passed in WP(C) No.1622/2024.

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

5. The termination notice dated 12.06.2021 states that the executed work undertaken by the petitioner till 12.06.2021, would be measured within a short notice by the concerned Divisional Engineer in presence of a 3rd party monitoring agency engaged by the GMC. In that view of the matter, this Court is of the view that the petitioner should be paid for the amount of work executed by him, as measured by the respondents, in terms of the letter dated 12.06.2021 issued by the respondent no.3. I have also seen the order dated 20.03.2024 passed in WP(C) No.1622/2024 and I find that the present case is covered by the said order. Accordingly, this writ petition is disposed of in line with the order dated 20.03.2024 passed in WP(C) No.1622/2024.

6. Thus, this Court directs the respondents, more particularly the respondent no.3, to pay to the petitioner for the executed quantity of the work done, as measured by the concerned Divisional Engineer in the presence of a 3rd party monitoring agency engaged by the GMC in terms of the letter dated 12.06.2021. The entire exercise should be concluded and payment made to the petitioner for the work done by him, within a period of 6 (six) months from the date of receipt of a certified copy of this order.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant