GAHC010084432024

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

Case No. : WP(C)/2247/2024

BIRINCHI KUMAR SARMAH
S/O- LATE MAHENDRA DEV SARMAH,
R/O- H.NO-967, RAJAGAON, W/NO-5,
P.O AND P.S- MORIGAON, PIN-782105, DIST- MORIGAON, ASSAM

VERSUS

UNION OF INDIA AND 5 ORS
MINISTRY OF JAL SHAKTI E GOVERNANCE CELL, 6TH FLOOR CABIN,
SHRAM SHAKTI BHAWAN, RAFI MARG, NEW DELHI-01

2:THE STATE OF ASSAM
REP. BY THE SECRETARY
TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE CHIEF ENGINEER

WATER RESOURCE DEPARTMENT
BELTOLA CHARIALI
BASISTHA
GUWAHATI- 781029

4:THE SUPERINTENDING ENGINEER

NAGAON WATER RESOURCE CIRCLE
NAGAON
ASSAM
PIN- 782001

5:THE EXECUTIVE ENGINEER

MORIGAON WATER RESOURCE DIVISION
MORIGAON
PIN-782105

6:THE ASSISTANT EXECUTIVE ENGINEER
JAGIROAD WATER RESOURCE
SUB- DIVISION
JAGIROAD
PIN-782410
ASSA

Advocate for the Petitioner : MRS. K K CHOUDHURY

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

29.04.2024

1. Heard Mrs. K.K. Choudhury, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned CGC appearing for the respondent No.1 and Ms. A. Lodha, learned counsel for the respondent Nos. 2-6.

2. The petitioner's case is that he is a registered contractor with the Water Resources Department, Morigaon. The petitioner was given various work contracts under the Scheme of "R/S to T/dyke Along Both Banks of Kopilli River From Charaihagi to Tuklaitup (L/B), Basundhari to Killing Kopilli Junction (L/B) and Chaparmukh Ahatguri Amsoi P.W.D. Road (R/B) Including Anti-Erosion Measures at Different Reaches."

3. Though the petitioner had completed the work contracts and was paid a

certain sum of money, the balance amount of Rs.3,67,001/- has not been paid to the petitioner.

4. The petitioner's counsel submits that the Executive Engineer, Morigaon WR Division, vide letter No. MGWRD/W-205/PT.VII/2023/2044 dated 30.10.2023, has furnished the liability statement issuing the outstanding amount liability towards the petitioner, i.e., Rs. 3,67,001/-. The petitioner's counsel submits that that the present case is covered by the order dated 27.09.2022 passed by this Court in WP(C) No. 4734/2021 *(Nazim Hussain Vs. The State of Assam and 8 Ors.).* She accordingly submits that a similar direction, as given in the above case, be issued in this case.

5. Mr. K. Gogoi, learned CGC appearing for the respondent No.1 and Ms. A. Lodha, learned counsel for the respondent Nos. 2-6 submit that they have got no objection to the prayer made by the petitioner's counsel.

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

7. This Court, in a series of cases, leading case being WP(C) 4734/2021 *(Nazim Hussain -vs- The State of Assam and 8 others)*, while disposing of the similar matters, had passed the following direction, which are as follows:-

> "*(1) Within 15 (fifteen) days from today, the concerned official of the State Government of Assam will communicate the supplementary budget passed in the last Assembly Session pertaining to the scheme to the competent authority of the Ministry of Jal Shakti, Government of India.*
>
> *(2) Within 60 (sixty) days from the date of receipt of such communication, the Ministry of Jal Shakti to release the amount due under the schemes to the concerned Department of the Government of Assam.*

(3) Upon receipt of the amount, bills of the writ petitioners shall be processed and cleared within a further period of 45 days"

8. In view of the consent of the parties and in view of the liability statement attached to the letter No. MGWRD/W-205/PT.VII/2023/2044 dated 30.10.2023, issued by the Executive Engineer, Morigaon W.R. Division, this Court is of the view that this writ petition can be disposed of at the motion stage itself.

9. In view of there being an admission made by the respondent No. 5, the respondent No. 3 is directed to re-verify and thereafter take a decision with regard to whether the amount claimed by the petitioner is as per records. In the event, the respondent No. 3 comes to a decision that the amount claimed is an admitted amount, the direction passed in WP(C)4734/2021, which has been enumerated above, shall be complied with. The respondents shall thereafter complete the entire process, within a period of 5 (five) months from the date of receipt of a copy of this order.

10. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant