

GAHC010086162023



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

Case No. : WP(C)/2246/2023

PRASANTA NATH
SON OF LATE MANORAM NATH,
RESIDENT OF VILLAGE- KHALIHANARI,
POST OFFICE- BAMUNI JAN,
POLICE STATION- RAHA,
DISTRICT- NAGAON, ASSAM,
PIN- 782425.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
WATER RESOURCE DEPARTMENT, DISPUR, GUWAHATI- 781006.

2:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI
PIN- 781003.

3:THE SUPERINTENDING ENGINEER
NAGAON AND MARIGAON WATER RESOURCE CIRCLE
R K B ROAD
HAIBARGAON
DISTRICT- NAGAON
PIN- 782001.

4:THE EXECUTIVE ENGINEER
MARIGAON WATER RESOURCE DIVISION
MARIGAON
DISTRICT- MARIGAON
PIN- 782105.

5:THE UNION OF INDIA
REPRESENTED BY COMMISSIONER
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCES
RURAL DEVELOPMENT AND GANGA REJUVENATION
6TH FLOOR
CABIN SHRAM SHAKTI BHAWAN
RAFI MARG
NEW DELHI-11000

Advocate for the Petitioner : MR. T DEORI

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 15.07.2024

Heard Mr. T. Deuri, learned counsel for the petitioner and Mr. C. Sarma, learned counsel appearing on behalf of Mr. R. M. Das, learned Standing Counsel, Water Resource Department as well as Mr. K. Gogoi, learned CGC.

2. The instant writ petition has been filed under Article 226 of the Constitution of India for releasing of the bill amounting to Rs. 3,46,734/- (Rupees Three Lakh Forty Six Thousand Seven Hundred Thirty Four only) to the petitioner after the petitioner has successfully completed the contractual works, which were awarded to the petitioner by the respondent authorities.

3. The case of the petitioner is that the respondent No. 4, by the work order dated 21.08.2015, allotted the work being earth work in embankment by truck carriage in all kinds of soils excluding sandy/rocky soil free from roots and vegetation and filling in uniform layers not exceeding 22.50 Cm thick including cutting and clearing light jungles and trees upto 50 cm girth ploughing or

roughening or benching the seat dugbelling profiling breaking clods upto 25mm cube dressing as per design section including payment of forest royalty if any etc. (10% deduction will be made from section measurement after completion on account of shrinkage) under the scheme R/S to T/dyke along both banks of Kopili River from Charaihagi to Tuklaitup (L/B), Basundhari to Killing Kopili Junction (L/B) and Chaparmukh to Ahatguri Amsoi P.W.D. Road (R/B) including Anti-erosion measures at different reaches to the petitioner.

4. It is the specific case of the petitioner that despite successfully completion of the work and the same being certified by the Executive Engineer, Morigaon WR Division, Morigaon, out of the total bill only an amount of Rs.1,70,000/- was paid to the petitioner and the remaining amount of Rs. 3,46,734/- admittedly due to the petitioner has not been paid till date.

5. It appears from the Annexure-8 to the writ petition that the Executive Engineer, Morigaon WR Division, Morigaon, has certified the dues claimed by the petitioner as outstanding.

6. In view of the liability statement attached to the Annexure-8 of the writ petition issued by the Executive Engineer, Morigaon WR Division, this Court is of the view that this writ petition can be disposed with the direction that the respondent No. 2 be directed to re-verify and thereafter take a decision with regard to whether the amount claimed by the petitioner is as per the records. In the event, the respondent No. 2 comes to a decision that the amount claimed is an admitted amount, the same shall be processed in accordance with the decision of this Court in the case of ***Tamsher Ali vs. State of Assam and others***, reported in ***2008 (4) GLT 1***.

7. Ordered accordingly.
8. It is needless to clarify that the entire exercise shall be completed within a period of five months from the date of receipt of a certified copy of this order.
9. With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant