

GAHC010088202023



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

Case No. : WP(C)/2455/2023

RAMESH SHAH
SON OF LATE MISHRI SHAH,
RESIDENT OF HOUSE NO. 19,
DINESH OJHA PATH, KAMAKHYA NAGAR,
RAJGHAR LINK ROAD, GUWAHATI- 781005,
KAMRUP(METRO), ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
PUBLIC HEALTH ENGINEERING DEPARTMENT,
DISPUR, GUWAHATI- 781006, ASSAM.

2:THE EXECUTIVE ENGINEER (PHE)
STORE AND WORKSHOP DIVISION
BETKUCHI GUWAHATI- 781035.

3:THE ASSISTANT EXECUTIVE ENGINEER (PHE)
STORE AND WORKSHOP DIVISION BETKUCHI
GUWAHATI- 781035.

4:THE ASSISTANT EXECUTIVE ENGINEER(PHE)
MECHANICAL SUB-DIVISION BETKUCHI GUWAHATI- 781035.

5:THE ASSISTANT ENGINEER (PHE)
MECHANICAL SECTION
BETKUCHI GUWAHATI- 781035.

6:THE ACCOUNTS OFFICER (PHE)
STORE AND WORKSHOP DIVISION
BETKUCHI GUWAHATI- 781035.

7:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR GUWAHATI-5

Advocate for the Petitioner : MR K AGARWAL

Advocate for the Respondent : SC, P H E

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 05.04.2024

Heard Mr. M. Das, learned counsel for the petitioner and Ms. M. Kalita, learned counsel for the PHE Department.

2. The petitioner's case is that he has been running a workshop and that the respondent Nos. 2 to 6 have not paid the outstanding dues of the petitioner for repairing their vehicles, amounting to Rs. 4,11,153/-.

3. The petitioner's counsel submits that the said amount is an admitted amount, as can be seen from the statement of outstanding liability made by the respondent Nos. 2 & 6.

4. Ms. M. Kalita, learned counsel for the PHE submits that the amount payable to the petitioner is an admitted amount, i.e., Rs.4,11,153/-. She submits that the Chief Engineer (PHE), Water, Assam has written letter No. E-472459/29 to the respondent No. 2, directing him to submit the "fund demand proposal" for the amount payable to the petitioner. She thus submits that as and when the "fund demand proposal" is submitted by the respondent No. 2, the same would be processed for payment of the

admitted amount to the petitioner.

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

6. The contents of the letter No. E-472459/29 dated 02.04.2024 issued by the Chief Engineer (PHE), Water, Assam, which is addressed to the respondent No. 2 states as follows:-

“Subject : - Regarding – Hon’ble Court Order Dated 22/-3/2024 passed in W.P.(C) No.2455/2023 (Sri Ramesh Shah –Vs- the State of Assam & Others.

With reference to the above, you are hereby directed to submit the fund demand proposal against the aforementioned court order (copy enclosed) as per prescribed format at the earliest for further necessary action.”

7. In view of the submission made by the learned counsel for the PHE and the letter No. E-472459/29 dated 02.04.2024 issued by the Chief Engineer (PHE), Water, Assam, the respondent No. 2 is directed to submit the fund demand proposal, for payment of the admitted dues of the petitioner. The fund demand proposal should be sent to the Chief Engineer, PHE, Water, within a period of one month from the date of receipt of a certified copy of this order. Thereafter, the fund demand proposal should be processed and payment made within a further period of three months.

8. The writ petition is accordingly disposed of.

9. The letter No. E-472459/29 dated 02.04.2024 issued by the Chief

Engineer (PHE), Water, Assam is made a part of the record and marked as Annexure "X".

JUDGE

Comparing Assistant