

GAHC010088452019



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

Case No. : WP(C)/2688/2019

M/S. RAJ AND RAJ
A PROPRIETORSHIP FIRM HAVING ITS REGISTERED OFFICE AT TINSUKIA,
KAPTAN CHUK, HIJUGURI, P.O. AND P.S. HIJUGURI, DIST.-TINSUKIA,
ASSAM AND REP. BY ITS SOLE PROPRIETOR SIR AMARENDRA MEDHI,
AGE ABOUT 43 YEARS, S/O SRI SATYABAN MEDHI, R/O TINSUKIA,
KAPTAN CHUK, HIJUGURI, P.O. AND P.S. HIJUGURI, DIST.-TINSUKIA,
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
TRANSPORT DEPTT. DISPUR, GUWAHATI-6

2:THE COMMISSIONER OF TRANSPORT
ASSAM
PARIBAHAN BHAWAN
JAWAHAR NAGAR
KHANAPARA
GUWAHATI-22

3:THE DISTRICT TRANSPORT OFFICER
TINSUKIA
DIST.-TINSUKIA
ASSAM
PIN-786125

4:THE CHIEF ENGINEER
P.W.D. (BUILDING)
ASSAM
CHANDMARI
GUWAHATI-3

5:THE SUPERINTENDING ENGINEER
P.W.D. JORHAT BUILDING CIRCLE
JORHAT
DIST.- JORHAT
ASSAM
PIN-785001

6:THE EXECUTIVE ENGINEER
P.W.D. DIBRUGARH BUILDING DIVISION
DIBRUGARH
ASSAM
PIN-78600

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : SC, TRANSPORT

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 29.07.2024

Heard Mr. R. Sarma, learned counsel for the petitioner and Ms. M. D. Bora, learned counsel for the respondent Nos. 1, 2 & 3. Ms. S. Sarma, learned counsel appears for the respondent Nos. 4, 5 & 6.

2. The petitioner's case is that the petitioner was allotted the work of "construction of Boundary Wall and Iron Gate etc. of the District Transport Officer's Office Building at Tinsukia". Pursuant to the NIT dated 30.10.2017, the tender value of the work was Rs. 10,89,098.00. The petitioner completed the allotted work on 08.02.2018 and the completion certificate was issued by the Executive Engineer, PWD, Dibrugarh Building Division. The petitioner submitted his bill for an amount of Rs.10,88,980/-. However, the said bill amount has not been paid to the petitioner.

3. Ms. M. D. Bora, learned counsel for the respondent Nos. 1, 2 & 3 has submitted letter No. TMV.217/2019/56 dated 25.09.2019 issued by the Joint Secretary to the Government of Assam, Transport Department, which is addressed to Sri Y. Doloi, Advocate, Standing Counsel, Transport Department, enclosing the para-wise comments in respect of the present case.

4. On perusing the para-wise comments issued in connection with this case, I find that the Finance Department has already issued F.O.C. vide letter No. FIN/DIS/TRA-001/2019/534 dated 17.09.2017 for an amount of Rs. 10,88,983/- for the work done by the petitioner. Para 14 of the para-wise comments is reproduced hereinbelow as follows:-

“Para No. 14: Finance Department has already issued F.O.C. vide Letter No. FIN/DIS/TRA-001/2019/534 dated 17.09.2017 for an amount of Rs. 10,88,983/- for construction of Boundary Wall, Iron Gate etc. District Transport Officer, office building at Tinsukia, (at Annexure-1)”.

5. In view of the above, the respondent authorities are directed to release the above admitted amount of Rs. 10,88,983/- to the petitioner for the contract work undertaken by him, if the same has not been paid earlier.

6. This writ petition is accordingly disposed of.

7. The letter dated 25.09.2019 issued by the Joint Secretary to the Government of Assam, Transport Department and the Annexures therein are made a part of the record and marked as Annexure 'X' collectively.

JUDGE

Comparing Assistant