

GAHC010180252022



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

Case No. : I.A.(Civil)/1311/2024

M/S JKB INDUSTRIES
A REGISTERED PROPRIETORSHIP FIRM BEING REPRESENTED BY ITS
PROPRIETOR
SRI ROBIN BHUYAN
S/O LATE KAMALA KANTA BHUYAN
AGED ABOUT 56 YEARS
R/O VILL- MAZIR GAON
PALASHBARI
P.O.-AGCHIA
P.S.-AZARA
DIST- KAMRUP (M)
ASSAM
PIN-781017

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECRETARY OF
WATER RESOURCE
DISPUR
GUWAHATI-6

2:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI-3
3:THE EXECUTIVE ENGINEER
WATER RESOURCE DIVISION GUWAHATI WEST
BHARALUMUKH
GUWAHATI-9
4:MANAGING DIRECTOR

ASSAM SMALL INDUSTRIES DEVELOPMENT CORPORATION LIMITED
BAMUNIMAIDAM
GUWAHATI-21
5:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF FINANCE

GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 6.

Advocate for : MR R CHAKRAVORTY
Advocate for : SC
WATER RESOURCE appearing for THE STATE OF ASSAM AND 4 ORS

Linked Case No. : WP(C)/5889/2022

M/S JKB INDUSTRIES
A REGISTERED PROPRIETORSHIP FIRM BEING
REPRESENTED BY ITS PROPRIETOR, SRI ROBIN BHUYAN,
S/O LATE KAMALA KANTA BHUYAN, AGED ABOUT 56
YEARS, R/O VILL- MAZIR GAON, PALASHBARI, P.O.-
AGCHIA, P.S.-AZARA, DIST- KAMRUP (M), ASSAM, PIN-
781017

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SPECIAL
SECRETARY OF WATER RESOURCE, DISPUR, GUWAHATI-6

2:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI-3

3:THE EXECUTIVE ENGINEER
WATER RESOURCE DIVISION GUWAHATI WEST
BHARALUMUKH
GUWAHATI-9

4:MANAGING DIRECTOR
ASSAM SMALL INDUSTRIES DEVELOPMENT
CORPORATION LIMITED
BAMUNIMAIDAM
GUWAHATI-21

5:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF FINANCE

GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 6

Advocate for the Petitioner : MR R CHAKRAVORTY

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

06.05.2024

Heard Mr. S. Rabha, learned counsel for the applicant. Also heard Ms. A. Lodha, learned Standing Counsel Water Resource Department (respondent Nos. 1, 2 & 3), Mr. S. Das, learned Standing Counsel ASIDC (respondent No. 4) and Mr. B. Gogoi, learned Standing Counsel Finance Department (respondent No. 5).

This is an Interlocutory Application filed by the applicant for impleading Union of India represented by the Commissioner, Ministry of Jal Shakti as respondent No. 6.

The applicant has filed this application for non-payment of the contractual bill upon successfully completing the work under the Scheme of Government of India implemented through Central Water Resource Department.

It is submitted that on 03.04.2024, the learned Standing Counsel for the Water Resource Department made a submission before this Hon'ble Court that

out of the admitted liability Rs. 9,02,496/-, an amount of Rs. 99,112/- has already been paid by the Water Resource Department and the balance outstanding amount is to be paid by the Ministry of Jal Shakti. Since Ministry of Jal Shakti is not arrayed as a respondent in the instant writ petition, the present Interlocutory Application has been filed seeking impleadment of the Ministry of Jal Shakti as a necessary party.

Ms. A. Lodha, learned Standing Counsel Water Resource Department and Mr. S. Das, learned Standing Counsel ASIDC does not object to the prayer made in this Interlocutory Application.

It appears from the averments made in the Interlocutory Application that for the release of the balance admitted outstanding amount, the presence of the Ministry of Jal Shakti, Government of India is essential.

Accordingly, this Interlocutory Application is allowed by directing impleadment of the Union of India represented by the Commissioner, Ministry of Jal Shakti, Government of India, Department of Water Resources, River Development and Ganga Rejuvenation as respondent no. 6 in the connected WP(C) No. 5889/2022.

With the aforesaid observation and direction, the Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant