

GAHC010090832024



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

Case No. : WP(C)/2391/2024

SAMSUDDIN AHMED
S/O- LATE NAZIMUDDIN AHMED,
R/O- VILLAGE- SINGIMARI ALIKASH,
P.O- ROWMARI, DIST- KAMRUP (M), ASSAM, PIN-781104

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE MINISTRY OF JAL SHAKTI,
E-GOVERNANCE CELL
6TH FLOOR CABIN, SHRAM SHAKTI BHAWAN, RAFI MARG, NEW DELHI-
110001

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASAM
WATER RESOURCES DEPARTMENT
DISPUR GUWAHATI-781006 ASSAM

3:THE EXECUTIVE ENGINEER
GUWAHATI WEST WATER RESOURCES DIVISION
GUWAHATI-09 ASSAM

4:THE SUPERINTENDENT ENGINEER
WATER RESOURCE DEPARTMENT
PALASHBARI TOWN PROTECTION (W.R) CIRCLE
BHARALUMUKH
GUWAHATI-781009 ASSAM

5:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI-781003
ASSA

Advocate for the Petitioner : MR. M A SHEIKH

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

10.05.2024

1. Heard Ms. F. Intaz, learned counsel for the petitioner, who submits that the contractual bill amounting to Rs.12,82,579/-, for the work executed by the petitioner under the scheme "A/E measures to protect Bamundi village and its adjoining area from the erosion of river Brahmaputra", has not been paid to the petitioner. The petitioner's counsel submits that as per the liability statement dated 10.08.2021 issued by the respondent No. 3, the petitioner was to be given Rs. 14,52,579/-, out of which Rs. 1,70,000/- has been given, leaving a balance of Rs.12,82,579/-.

2. The petitioner's counsel submits that in a series of matters, i.e., leading case being WP(C) 4734/2021 (*Nazim Hussain -vs- The State of Assam and 8 others*), this Court has given certain directions for payment of the said amount and accordingly prays for a similar direction to be issued in this case.

3. Ms. A. Lodha, learned counsel for the Water Resource Department and Mr. B. Gogoi, learned counsel for the Finance Department as well as Ms. A. Gayan, learned counsel for the respondent No. 1 submit that they have got no objection to the prayer of the petitioner's counsel, subject to re-verification of the amount payable to the petitioner.

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

5. 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 day”

6. In view of the consent of the parties and in view of the liability statement attached to the letter No. GWWRD/C-10/Pt-III/18-19/174 dated 10.08.2021, issued by the Executive Engineer, Guwahati West W.R. Division admitting that the petitioner is to be paid Rs.14,52,579/-, this Court is of the view that this writ petition can be disposed of at the motion stage itself.

7. In view of there being an admission made by the respondent No. 5, the respondent No. 4 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. 4 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.

8. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant