

GAHC010092212024



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

Case No. : WP(C)/2541/2024

NAYANJYOTI TALUKDAR
S/O- LATE PRADIP TALUKDAR,
R/O- WARD NO-4, SORBHOG, PIN-781317, DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE SPECIAL CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, ENVIRONMENT AND FORESTS DEPARTMENT, 2ND FLOOR,
BLOCK-D, JANATA BHAWAN,
DISPUR, GUWAHATI- 781006, KAMRUP (M), ASSAM

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
AND HEAD OF FOREST FORCE
ASSAM
ARANYA BHAWAN

PANJABARI
GUWAHATI-781037
KAMRUP (M)
ASSAM

3:THE DIVISIONAL FOREST OFFICER
KAMRUP WEST DIVISION
BAMUNIGAON
PIN-781141
DIST- KAMRUP
ASSAM

4:THE RANGE FOREST OFFICER
BONDAPARA RANGE
BONDAPARA

PIN-781135
DIST- KAMRUP
ASSAM

5:THE RANGE FOREST OFFICER
SINGRA RANGE
BOKO
PIN-781135
DIST- KAMRUP
ASSAM

6:THE RANGE FOREST OFFICER
KULSI RANGE
KULSI
PIN-781125
DIST- KAMRUP
ASSAM

7:THE RANGE FOREST OFFICER
BAMUNIGAON RANGE
BAMUNIGAON
PIN-781123
DIST- KAMRUP
ASSA

Advocate for the Petitioner : MR G CHOUDHURY

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

15.05.2024

1. Heard Mr. G. Choudhury, learned counsel for the petitioner and Mr. R.R. Gogoi, learned Standing Counsel, Forest Department for all the respondents.

2. Having regard to the grievances projected by the petitioner, the writ petition is taken up for disposal at the Motion stage itself with the consent of

the parties.

3. By filing this writ petition, the petitioner prays for a direction to the respondent authorities to release the outstanding bill amount of Rs.14,92,786/- which is due to him and also for release of the Security Deposit amounting to Rs.16,55,000/-. It is the case of the petitioner that an work order for felling of trees was issued in his favour by the office of the Divisional Forest Officer, Kamrup West Division, Bamunigaon on 26.10.2023 (Annexure-C) for a contract price of Rs.1,65,30,939/-. The petitioner having been given the Completion Certificate showing that 100% of the work has been completed raised the bill for the contract work. However, only a sum of Rs.67,72,684/- only was released to the petitioner leaving a balance amount of Rs.14,92,786/- to be paid. Despite approaching the respondents several times the amount having not been paid, the petitioner is before this Court.

4. Mr. R.R. Gogoi, learned Standing Counsel for the Forest Department submits that the petitioner may have raise the bill concerned but the respondent authorities will have to verify as to how much work has been done and how much amount is due to the petitioner before any further payment can be made. In other words, he submits that the respondents may be given liberty to examine and verify the claims made by the petitioner.

5. Considering the submissions made and after perusal of the materials available on record, the writ petition stands disposed of by directing the respondent no.2 to verify and the claims to be made by the petitioner for payment of the balance amount of the contract work and in the event within a

period of 4 (four) weeks from the date of receipt of a certified copy of this order and if it is found that the amount is due to the petitioner, the same is disbursed to the petitioner within a period of 2 (two) weeks thereafter which will include the Security Deposit deposited by the petitioner as well.

JUDGE

Comparing Assistant