

GAHC010099162024



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

Case No. : WP(C)/2624/2024

TARIK AHMED LASKAR
SON OF LATE KHALILUR RAHMAN LASKAR, RESIDENT OF LAKHIPUR
ROAD, MADHUBAND, SILCHAR- 788101

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
IRRIGATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE CHIEF ENGINEER
IRRIGATION DEPARTMENT
CHANDMARI
GUWAHATI- 781003

3:THE SUPERINTENDING ENGINEER
CACHAR KARIMGANJ CIRCLE (IRRIGATION)
SILCHAR
ASSAM
PIN- 788101

4:THE EXECUTIVE ENGINEER
SILCHAR UDHARBOND DIVISION (IRRIGATION) SILCHAR
ASSAM
PIN- 78810

Advocate for the Petitioner : MR H I CHOUDHURY, PRAKASH BORAH,MR. N J KHATANAR

Advocate for the Respondent : SC, IRRIGATION,

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 31.07.2024

Heard Mr. P Borah learned counsel for the petitioner and Mr. N Upadhyay, learned standing counsel, Irrigation Department.

It is the case of the petitioner that pursuant to a tender process, the petitioner was awarded with work of providing Irrigation facilities at Borjurai and Mohisa area AIBP during the year 2013-14. He claims that certain amount of bill for execution of the aforesaid work remained unpaid, though, according to the petitioner, he could complete 35% of the work for the reason of pre mature cancellation.

Referring to Annexure-R of the writ petition, Mr. Borah learned counsel submits that total due of the petitioner is Rs.94,54,518 however, an amount of Rs.81,69,252 has already been paid leaving a balance of Rs.12,85,266.

At this stage Mr. Upadhyay, learned standing counsel for Irrigation Department submits that the matter may be relegated to the Chief Engineer, Irrigation Department to consider the claim of the petitioner and after verification, if it is found that the amount due is admitted, the department shall definitely pay such amount within a period of six weeks from the date of verification.

The learned counsel for the petitioner submits that the matter may be disposed of as proposed by Mr. Upadhyay.

In view of the aforesaid consensus, the present writ

petition is disposed of by directing the Chief Engineer, Irrigation Department to consider the claim of the petitioner for payment of balance amount of Rs.12,85,266 after due verification whether the petitioner is entitled for such payment and if it is found that such amount is due, the payment be made within six weeks from the date of determination.

The determination be made within six weeks from the date of receipt of a certified copy of this order to be furnished by the petitioner before the Chief Engineer, irrigation Department.

The petitioner shall be at liberty to file a fresh representation along with a copy of this order.

This disposes of the writ petition.

JUDGE

Comparing Assistant