

GAHC010103312022



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

Case No. : WP(C)/3626/2022

NARZA BASUMATARY
S/O SRI JAWAHARLAL BASUMATARY
VILL- NORTH SIMLAGURI P.O. GARUBHASA, P.S. SIDLI, DIST. CHIRANG,
BTR, ASSAM, PIN-783375

VERSUS

THE STATE OF ASSAM AND 4 ORS.
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM, WATER RESOURCE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE BODOLAND TERRITORIAL COUNCIL
REP. BY THE PRINCIPAL SECRETARY
BTC P.O. AND DIST. KOKRAJHAR
PIN- 783370 BTR ASSAM

3:THE SECRETARY
WATER RESOURCE DEPARTMENT
BTC KOKRAJHAR.

4:THE ADDITIONAL CHIEF ENGINEER
CUM COUNCIL HEAD OF THE DEPARTMENT
KOKRAJHAR ZONE
WATER RESOURCE DEPARTMENT
BTC KOKRAJHAR.

5:THE EXECUTIVE ENGINEER
CHIRANG
WATER RESOURCE DIVISION
KAJALGAON BTR ASSA

Advocate for the Petitioner : MR R DHAR, MRS. A BASUMATARY, MR B C MUCHAHARY

Advocate for the Respondent : SC, WATER RESOURCE, SC, BTC

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 30.09.2024

1. Heard Mr. R. Dhar, learned counsel for the petitioner and Mr. R. K. Muchahary, learned counsel for the BTC. Also heard Ms. D. Jain, learned counsel for the respondent No. 1.

2. It is the case of the petitioner that pursuant to Administrative Approval dated 10.03.2017, the petitioner on emerging as L-1 bidder, was issued work order dated 06.06.2017, for the contract-work viz. "Protection of Noyabasti village (Gurubasha) and its adjoining area from the erosion of river Mora-Bhur under BTAD" ('the Contract-Work', for short) at a sanctioned amount of Rs. 20 lakhs. The petitioner's case is that he has completed the Contract-Work to the extent of 100% and thereafter, submitted his final bill for an amount of Rs. 20 lakhs. The respondent authorities in the BTC, after inspection of the Contract-Work, had issued a completion certificate. By an order dated 04.07.2018, the Secretary, BTC had accorded a sanction of an amount of Rs. 10 lakhs for the Contract-Work. It has been averred that though an amount of Rs. 10 lakhs have been disbursed in favour of the petitioner, the remaining amount of Rs. 10 lakhs has not been disbursed in his favour by the respondent authorities in the BTC.

3. Mr. R. K. Muchahary, learned counsel for the BTC submits that as per the list of contractors made by the BTC to whom outstanding liabilities are to be paid by the Water Resources Department, BTC, Kokrajhar, the petitioner is at

serial No. 8 and the admitted amount payable to the petitioner is Rs.9,97,295/-. He submits that the same will be paid to the petitioner.

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

5. In view of there being an admission by the BTC that the petitioner is liable to be paid Rs.9,97,295/-, the Water Resources Department, BTC shall pay the admitted amount to the petitioner, within a period of 2(two) months from the date of receipt of a certified copy of this order.

6. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant