

GAHC010106492024



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

Case No. : WP(C)/2875/2024

DEBASISH BORAH
S/O- LATE GHANA KANTA BORAH,
R/O- KACHALUKHOWA,
P.O, P.S AND DISTRICT- NAGAON, ASSAM, PIN-782001

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SPECIAL SECRETARY, PUBLIC WORKS
DEPARTMENT (ROADS)
DISPUR, GUWAHATI-781006, ASSAM

2:THE SECRETARY
TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPARTMENT (ROADS)
DISPUR
GUWAHATI-781006
ASSAM

3:THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT (ROADS)
CHANDMARI
GUWAHATI-781003
ASSAM

4:THE EXECUTIVE ENGINEER

PWD
NAGAON STATE ROAD DIVISION
NAGAON
P.O AND DIST.- NAGAON

ASSAM
PIN-78200

Advocate for the Petitioner : MR B SARMAH, MR G PATHAK

Advocate for the Respondent : SC, PWD,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

05.08.2024

Heard Mr. G. Pathak, learned counsel for the petitioner as well as Mr. B. Gogoi, learned counsel for all the respondents.

2. The petitioner's case is that he is a registered contractor under the Public Works Department. The petitioner has completed the work "Repair & Rehabilitation of Kuruabahi Bebejia Road for 2010-11. (By E/W in Side Slopes & Shoulders, WBM Gr.II & Gr.III Works Followed by SDBC etc. from 1st Km to 9th Km & 13th Km to 15th Km) Gr.III (8300.00 m to 15000.00 m)" in March, 2012, complying with the terms and conditions as per the work order allotted to him. A Final Running Bill for Rs.3,34,198/- (Three Lakh Thirty Four Thousand One Hundred Ninety Eight) only had been prepared by the office of the respondent No.4, but no payment of the same has been made. The outstanding liability in respect of the above mentioned works done by the petitioner is not in dispute and the authority concerned are bound to pay the dues.

3. Mr. B. Gogoi, learned counsel for the PWRD, Assam has submitted a letter E Comp. No.508315/4 dated 28.06.2024 issued by the Chief Engineer, PWD (Road) and the para wise comments annexed therein.

4. A perusal of the para wise comments shows that the petitioner's final bill value for his contract work was Rs.81,06,031/- and payment of Rs.77,71,833/- has been made. The balance amount due to the petitioner is Rs.3,34,198/-.

5. Paragraphs 2, 3, 4, 5, 6, 7, 8 & 9 of the para wise comments/reply made by the State respondents and which has been forwarded by the Chief Engineer, PWD(Roads) are reproduced hereinbelow as follows-

"Para 2: He is registered Contractor and successfully completed the work.

Para 3: Yes, Preliminary Work Order No. CE/Commn/MN/33/2010-11/24 Dated 17/02/2011.

Para 4: Yes, Formal Work Order No. CE/Commn/MN/33/2010-11/35 Dated 23/05/2011

Para 5: Total Final Bill value Rs.81,06,031.00

Payment made Rs.77,71,833.00

Balance Rs.3,34,198.00

Para 6: Yes.

Para 7: Yes, already paid Rs.77,71,833.00

Para 8: Yes, Balance amount due to the contractor Rs.3,34,198.00

Para 9 : Accounts details of pay concerned along with the past bill was submitted to the Chief Engineer PWD (Roads), Assam, Chandmari, Guwahati-3 vide this office letter No. A/45/29/2328 Dated 16/11/2015 for making payment of outstanding dues for Rs.3,34,198.00."

6. The letter dated 28.06.2024 issued by the Chief Engineer, PWD (Roads) and the para wise comments are made a part of the record and marked as 'Annexure-X' collectively.

7. In view of there being an admission by the State respondents that the petitioner is liable to be given his outstanding dues of Rs.3,34,198/-, the State respondents are directed to pay the admitted amount to the petitioner, within a period of 3(three) months from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant