

GAHC010117712023



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

Case No. : WP(C)/3151/2023

DANIEL BRAHMA
S/O- MANIRAJ BRAHMA, R/O- J.D. ROAD, KOKRAJHAR, P.O., P.S. AND DIST.
KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SOCIAL WELFARE DEPARTMENT, DISPUR,
GUWAHATI, ASSAM, PIN- 781006.

2:THE JOINT SECRETARY
SOCIAL WELFARE DEPARTMENT
DISPUR
GUWAHATI
ASSAM
PIN- 781006.

3:THE DIRECTOR

WOMEN AND CHILD DEVELOPMENT
GUWAHATI
ASSAM
PIN- 781001.

4:THE DIRECTOR

SOCIAL JUSTICE AND EMPOWERMENT
LAKHI MANDIR
BELTOLA
GUWAHATI
ASSAM

PIN- 781028.

5:THE DISTRICT SOCIAL WELFARE OFFICER

KOKRAJHAR
ASSAM

6:THE CHIEF ENGINEER

PWD (BUILDING)
CHANDMARI
GUWAHATI
ASSAM
PIN- 781003.

7:THE ADDITIONAL CHIEF ENGINEER CUM DIRECTOR

PWD
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR.

8:THE EXECUTIVE ENGINEER

PWD
KOKRAJHAR DISTRICT AND CHIRANG DISTRICT
TERRITORIAL BUILDING DIVISION
KOKRAJHAR.

9:THE ASSISTANT EXECUTIVE ENGINEER

PWD
KOKRAJHAR TERRITORIAL BUILDING SUB-DIVISION
KOKRAJHAR.

10:THE DIVISIONAL FOREST OFFICER

PARBATJHORA DIVISION
SUPARIGHAT
BODOLAND TERRITORIAL COUNCIL
ASSAM

11:THE DIRECTOR OF SOCIAL WELFARE

ASSAM
UZAN BAZAR
GUWAHATI
ASSAM
PIN-781001.

12:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF SOCIAL JUSTICE AND EMPOWERMENT
DISPUR
GUWAHATI
ASSA

Advocate for the Petitioner : MR. D CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

17.07.2024

Heard. Mr. T. Chakraborty, learned counsel for the petitioner. Also heard Mr. R.M. Das, learned Standing Counsel, Department of Social Justice and Empowerment, Assam. Ms. S. Boro, learned counsel appears on behalf of Ms. R.B. Bora, learned Standing Counsel, BTC.

2. The instant writ petition has been filed under Article 226 of the Constitution of India seeking direction for releasing the final bill amounting to Rs.2,93,23,352/- to the petitioner.

3. The case of the petitioner is that the petitioner participated in a tender process for construction of an old age home at Bedlangmari, Kokrajhar and after being successful in the said tender process, a contract agreement was executed on 23.12.2019 in favour of the petitioner. The petitioner successfully completed the construction of the old age home on 20.06.2022 and the site was also handed over to the concerned authority. Out of the total contractual dues in respect of the work, a sum of Rs.56,00,000/- was released to the petitioner. Thereafter, the final bill amount of Rs.2,93,23,352/- was submitted by the petitioner to the respondents, but till date the same being not paid to the petitioner, the instant writ petition has been filed.

4. Heard the counsels for the parties.
5. It appears that the respondents have issued a completion certificate and utilization certificate in respect of the work. However, despite the same, the aforesaid amount of Rs.2,93,23,352/- has not been paid to the petitioner.
6. Today, when the matter is called, Mr. R.M. Das, learned Standing Counsel, Department of Social Justice and Empowerment submits that he has received instructions to the effect that proposal has been sent to the Finance Department for clearing the aforesaid dues to the petitioner.
7. In view of the aforesaid endorsement made by Mr. R.M. Das, this Court is of the considered view that this writ petition can be disposed of with a direction to the respondents to release the admitted outstanding amount to the petitioner in accordance with law within a period of 3(three) months from the date of receipt of a certified copy of this order.
8. Ordered accordingly.
9. The writ petition stands disposed of.

JUDGE

Comparing Assistant