

GAHC010121592020



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

Case No. : WP(C)/3574/2020

M/S. FORZEN CARE
MILAN NAGAR, DIST.- JORHAT, ASSAM-785001, REP. BY ITS PROPRIETOR,
SRI AJIT HAZARIKA AGED ABOUT 52 YEARS, S/O- LT. KHOGENDRANATH
HAZARIKA, R/O- MILAN NAGAR, P.O. MILAN NAGAR, DIST.- JORHAT,
ASSAM, PIN- 785001

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY., GOVT. OF ASSAM,, PUBLIC WORKS
DEPTT. (BUILDING), DISPUR, GHY-06

2:THE CHIEF ENGINEER
P.W.D.
CHANDMARI
ASSAM
GHY-03

3:THE ASSTT. EXECUTIVE ENGINEER
P.W.D.
ELECTRICAL DIVISION
JORHAT
ASSAM- 785001

4:THE SUPERINTENDING ENGINEER
PWD
FANCY BAZAAR
GHY
ASSAM- 78100

For the applicant (s) : Mr. L. Gogoi, Advocate

For the respondent (s) : Ms. M. Das, SC PWD

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

15.02.2024

The instant writ petition is filed by the petitioner challenging the inaction on the part of the respondent authorities in releasing the dues to which the petitioner is entitled to upon completion of the work allotted to him by the respondent PWD.

2. The case of the petitioner herein is that the petitioner was allotted various works as have been mentioned in paragraph No.3 of the writ petition. The petitioner had completed several works of supply during the period of 1998 to 2015 complying with the terms and conditions of the department and submitted the bills for reimbursement. It is the further case of the petitioner that the total outstanding liabilities of the eight work orders Bills, i.e. (Rs.90,344/- + Rs.98,920/- + Rs.2,78,050/- + Rs.1,79,270,00/- + Rs.3,92,500/- + Rs.98,641.00/- + Rs.58,573/- + Rs.70,947/-) = Rs.12,67,245.00/- have not been paid by the respondent authorities to the petitioner till date. The petitioner is, however, aggrieved that in spite of submission of the necessary documents and completion of the work, the respondent authorities have not made payment to the petitioner's entitlement. It is under such circumstances, the instant writ petition has been filed.

3. Ms. M. Das, the learned counsel appearing on behalf of the respondent PWD submits that there is no denial to the fact that the work

in question was not allotted to the petitioner. The learned counsel for the respondents, however, submits that the entitlement of the petitioner would be dependent upon further verification to be carried out by the respondent authorities.

4. Upon perusal of the materials on record, this Court is of the opinion that if the petitioner had completed the work in question, the petitioner would be entitled to the amount as claimed. However, for the same, verification on the part of the respondent authorities would be required.

5. This Court, therefore, disposes of the instant writ petition with a direction upon the respondent authorities to verify as to whether the petitioner had completed the work in question as per the allotment of the work and also as to whether the petitioner had submitted requisite documents which are required for the purpose of releasing the amount claimed by the petitioner.

6. This Court further directs that upon verification, if it is found that the petitioner is entitled to, the respondent authorities shall pay to the petitioner the entitlement as per the directions contained in the judgment of the Full Bench of this Court in ***Tamsher Ali vs. State of Assam & Others.***

7. The said exercise of verification be completed with a period of 1 (one) month from the date a certified copy of the instant order is served upon the respondent No.2 and the payment thereupon shall be in terms with ***Tamsher Ali*** (supra).

JUDGE