GAHC010125792024

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

Case No. : Review.Pet./115/2024

THE STATE OF ASSAM AND 4 ORS.
REP. BY SECRETARY TO THE GOVT. OF ASSAM, WATER RESOURCE DEPTT., DISPUR, GHY.-06.

2: THE CHIEF ENGINEER
WATER RESOURCE DEPTT.
CHANDMARI
GHY-03.

3: THE EXECUTIVE ENGINEER
NAGAON WATER RESOURCE CIRCLE
A.T ROAD
NAGAON
782001
ASSAM

4: THE ASSTTT. EXECUTIVE ENGINEER
RAHA WR SUB DIVISION
RAHA
DIST NAGAON
ASSAM 782103

5: THE ACCOUNTS OFFICER

NAGAON WATER RESOURCES
NAGAON
ASSAM 78200

VERSUS

PRABHAT BORA
S/O. LT. MOHAN CHANDRA BORA R/O. RAHACHAKI P.O. AND P.S. RAHA
DIST. NAGAON ASSAM 782103

Advocate for the Petitioner : MR R M DAS

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 30-07-2024

Heard Ms. J. Gogoi, learned counsel appearing for the review petitioner.

The Department of Water Resources, State of Assam, has preferred this review petition seeking review/recall of the common order dated 27-09-2022 passed by this Court in WP(C) No. 5992/2021 and the bunch of connected writ petitions wherein, this Court, after hearing the learned counsel for the parties, had passed the following directions :-

> "*(1) Within 15 (fifteen) days from today, the concerned official of the State Government of Assam will communicate the supplementary budget passed in the last Assembly Session pertaining to the scheme to the competent authority of the Ministry of Jal Shakti, Government of India.*
>
> *(2) Within 60 (sixty) days from the date of receipt of such communication, the Ministry of Jal Shakti to release the amount due under the schemes to the concerned Department of the Government of Assam.*
>
> *(3) Upon receipt of the amount, bills of the writ petitioners shall be processed and cleared within a further period of 45 days.*
>
> *In view of the directions issued herein above, the respondents to complete the entire process within a period of four months from today.*
>
> *A copy of this order be furnished to Mr. B. Goswami, learned Addl. Advocate General, Assam and Mr. R.K. Dev Choudhury, learned DSGI.*
>
> *The written instructions dated 26.09.2022 be kept as a part of the record of this case.*
>
> *All these writ petitions stand disposed of accordingly.*"

By referring to the order dated 27-09-2022, Ms. Gogoi has argued that this review petition arises out of the common order dated 27-09-2022 passed in the connected writ petitions wherein, the Ministry of Jal Shakti was not made a party.

Contending that the pending bills could not be cleared by the State of Assam due to non-receipt of the share of contribution coming from the Ministry of Jal Shakti, Union of India, Ms. Gogoi submits that this writ petition is required to be heard afresh after serving notice upon the Ministry of Jal Shakti. Ms. Gogoi has, however, candidly submitted that the order dated 27-09-2022 passed by this Court even in respect of those writ petitions where the Ministry of Jal Shakti was impleaded as party, have not been complied with, till today.

Be that as it may, this Court finds that by the order dated 27-09-2022 direction was also issued to the Ministry of Jal Shakti to release the amount due under the scheme. The Ministry of Jal Shakti was duly represented by Mr. R.K. Dev Choudhury, learned Deputy Solicitor General of India but no objection was raised by the learned counsel for the respondents on the ground of non-joinder of necessary party. Moreover, the said Ministry has also not sought any review of the order.

It was for the petitioners to implead the Ministry of Jal Shakti and if they had failed to do so resulting in a situation where the order dated 27-09-2022 cannot be implemented on technical grounds, even then, it would be for the writ petitioner to face the consequences. The same cannot, in the opinion of this Court, be a ground for review/ recall of the order dated 27-09-2022, which was passed by this Court after hearing the

learned counsel for all the parties including the learned Deputy Solicitor General of India representing the Ministry of Jal Shakti, Govt. of India as well as the Brahmaputra Board.

For the reasons stated herein above, this Court does not find any good ground to review the order dated 27-09-2022. Consequently, this review petition is held to be devoid of any merit. The same is accordingly, dismissed.

JUDGE

GS

Comparing Assistant