

GAHC010136612022



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

Case No. : WP(C)/4748/2022

SMT. MIRA ISLARY
D/O- DINESH ISLARY, R/O- VILL.- DEULGURI, P.O. HARISINGA, DIST.
UDALGURI, PIN- 784510, BTR, ASSAM

VERSUS

THE BODOLAND TERRITORAL COUNCIL AND 4 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY, BTC,BODOFA NWGWR,
DIST. KOKRAJHAR, BTR, ASSAM, PIN- 783370.

2:THE SECRETARY
P AND RD BTC
KOKRAJHAR
BTC BODOFA NWGWR
DIST. KOKRAJHAR
BTR ASSAM
PIN- 783370.

3:THE DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
BTC P.O. AND DIST. KOKRAJHAR
BTR ASSAM PIN- 783370.

4:THE SUPERINTENDING ENGINEER
PWD (R AND B) CIRCLE
KOKRAJHAR BTC ASSAM
PIN- 783370.

5:THE BLOCK DEVELOPMENT OFFICER
KHOIRABARI DEVELOPMENT BLOCK
KHOIRABARI P.O. KHOIRABARI
DIST. UDALGURI
BTR
ASSAM PIN- 784522

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

Advocate for the Respondent : SC, BTC, SC, PWD,SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 25.09.2024

Heard Mr. R. Dhar, learned counsel for the petitioner and Mr. R. K. Muchahary, learned counsel for all the respondents.

2. The petitioner's case is that he is a registered Class-1(C) Contractor. Pursuant to the work order dated 18.04.2018 issued by the Block Development Officer, Khoirabari Development Block, the petitioner was entrusted to execute the construction work for "Construction of road by sand gravelling and 2 Nos. RCC Box Culvert from No. 1 Bainara Bathou Mandir to Baksa Border Bornadi". On completion of the work, the petitioner submitted his bill amount of Rs. 25 Lakhs.

3. The petitioner's case is that though Rs. 10 Lakh has been paid to the petitioner, the balance amount of Rs. 15 Lakh has not been paid to the petitioner till date.

4. Mr. R. K. Muchahary, learned counsel for the respondents has submitted a list of names made by the BTC authorities to whom outstanding bills are to be paid. The list states as follows:-

“Chronological list of schemes under WPT&BC (Chief Discretionary Fund), BTC for consideration of liability payment based on submission of bill/demand from 2010-2022.”

5. The petitioner’s name appears at serial No. 1196 in relation to the above mentioned contract work. The list also shows that the petitioner had been given Rs. 10 Lakh earlier and that assessed liability as per the proforma bill available in the file was Rs. 15 Lakh. The list also shows that 100% of the contract work had been completed.

6. In view of the admission having been made by the BTC authorities to the effect that the petitioner is liable to be paid Rs. 15 Lakh for the contract work which he has completed in the year 2018, the BTC authorities are directed to pay to the petitioner the admitted amount of Rs. 15 Lakh at the earliest, preferably within a period of 6 (six) months from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant