

GAHC010149442017



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

Case No. : WP(C)/7199/2017

PRASANTA GOGOI
S/O. , R/O. WARD NO.4, P.O. and P.S. DHEMAJI, ASSAM, PIN-787057.

VERSUS

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

2:THE CHIEF ENGINEER
IRRIGATION/MINOR IRRIGATION DEPTT.
CHANDMARI
GHY.-03 ASSAM.

3:THE ADDL. CHIEF ENGINEER
ZONE-II
IRRIGATION DEPTT.
ASSAM TEZPUR
ASSAM.

4:THE SUPERINTENDING ENGINEER
LAKHIMPUR CIRCLE IRRIGATION
NORTH LAKHIMPUR
ASSAM.

5:THE EXECUTIVE ENGINEER

DHEMAJI DIVISION IRRIGATION
DHEMAJI
DIST. DHEMAJI ASSAM

For the petitioner (s) : Mr. P. K. Mazumdar, Advocate

For the respondent (s) : Mr. N. Upadhyay, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

08.01.2024

The instant writ petition has been filed by the petitioner being aggrieved by the inaction on the part of the respondent authorities in not making payment of the amount of Rs.9,23,045/- and accordingly has sought for a direction upon the respondent authorities for payment of the said amount along with interest.

2. The facts as could be discerned from the perusal of the writ petition is that the respondents herein have published a notice inviting tender in the Irrigation Department under the Scheme, "Laipulla LIS (under AIBP)", and accordingly, the petitioner being eligible had submitted the tender. Pursuant thereto, a work order was issued on 15.11.2010 to the petitioner. It is the further case of the petitioner that the petitioner had duly completed the work and the respondent authorities have also given a completion certificate. The petitioner also raised a total bill of an amount of Rs.49,01,000/-. However, out of the said, the petitioner received Rs.39,77,955/-. The petitioner therefore claims that the petitioner is further entitled to an amount of Rs.9,23,045/-. The petitioner, on various occasions, submitted representations before the respondent authorities for payment of the said amount of Rs.9,23,045/-. However, the said amount having not been paid, the petitioner has therefore approached this Court by filing the instant writ petition.

3. During the course of hearing, the learned counsels for the petitioner as well as the respondents submit that they have no instruction as to whether

the petitioner in the meantime has received the amount or not.

4. Be that as it may, it is the opinion of this Court that if the petitioner is entitled to the said amount, the respondent authorities are bound to pay the said amount to the petitioner. However, as to whether the petitioner is entitled to or not to the amount of Rs.9,23,045/- or any other amount in respect to the said contract, it requires certain verification to be carried out by the respondent authorities.

5. Accordingly, this Court therefore disposes of the writ petition with a direction to the respondent authorities to verify as to whether the petitioner is entitled to the amount of Rs.9,23,045/- and upon verification if it is found that the petitioner is entitled to the said amount so claimed or any part thereof, the same be paid to the petitioner. The said exercise be completed within a period of four months from the date a certified copy of the instant order is served upon the respondent No.2.

6. It is however made clear if in the meantime any verification has already been conducted and the petitioner had received any amount pursuant to such verification then in that case, the above exercise need not be carried out.

JUDGE

Comparing Assistant