

GAHC010176342023



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

Case No. : WP(C)/4596/2023

M/S ABACUS AND ANR
REP. BY ITS SOLE PROPRIETOR, GITALI GOSWAMI,
NABIN ENCLAVE, ZOO- NARENGI ROAD, P.O- BAMUNIMAIDAM,
GUWAHATI-21,
DIST- KAMRUP (M), ASSAM

2: GITALI GOSWAMI
W/O- SANJIB GOSWAMI

R/O- FLAT NO-1
C
NABIN ENCLAVE

1ST FLOOR
NEAR GEETANAGAR HIGH SCHOOL FIELD

P.O-BAMUNIMAIDAM
P.S- GEETANAGAR
GUWAHATI- 781021
DIST- KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, FINANCE
DEPARTMENT, 3RD FLOOR, CM BLOCK, ASSAM SECRETARIAT,
DISPUR, GUWAHATI-6. ASSAM

2:THE COMMISSIONER AND SECRETARY C
TO THE GOVT. OF ASSAM
FINANCE
DEPARTMENT
GROUND FLOOR

D BLOCK

DISPUR
GUWAHATI-6.

3:THE SECRETARY
TO THE GOVT. OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006.

4:THE CHIEF ENGINEER (WATER)
PUBLIC HEALTH ENGINEERING DEPARTMENT
GOVT. OF ASSAM
HENGRABARI
GUWAHATI- 781006.

5:THE ADDL. CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
LOWER ASSAM ZONE
BAMUNIMAIDAM

GUWAHATI- 781021

6:THE SUPERINTENDING ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
GUWAHATI CIRCLE
BAMUNIMAIDAM

GUWAHATI- 781021

7:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING
GUWAHATI DIVISION NO II
BAMUNIMAIDAM

GUWAHATI- 781021
ASSA

Advocate for the Petitioner : MR S SARMA, MR D DAS,MR. C CHAKRAVARTY,MR. R
HAZARIKA

Advocate for the Respondent : SC, FINANCE, SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

05.08.2024

1. Heard Mr. C. Chakravarty, learned counsel for the petitioner, Mr. R.R. Gogoi, learned counsel for the PHE Department and Mr. A. Chaliha, learned counsel for the Finance Department.
2. The petitioner's counsel submits that the petitioner has done various works on the basis of various work orders issued by the respondents and despite completion of the same, the petitioner has not been given all his contractual dues till date. He submits that the respondents are still liable to pay to the petitioner an amount of Rs.10,49,868/-, inasmuch as, Rs.18,20,522/- has been paid, out of the total outstanding amount of Rs.28,70,390/-.
3. Mr. R.R. Gogoi, learned counsel for the State respondents submits that fund demand have been made for only 10 out of the 15 works done by the petitioner earlier. He submits that fund demand will be made for the remaining 5 works done by the petitioner with the Finance Department within 3 (three) weeks. In this regard, he has relied upon the letter no. E-411746/131 dated 07.06.2024 issued by the Chief Engineer (PHE) Water, Assam which is addressed to Mr. P.N. Goswami, Standing Counsel, PHED cum Addl. Advocate General, Assam along with Annexure-A and an earlier letter dated 16.05.2024 issued by the Executive Engineer (PHE), Guwahati Division No.II. The letter dated 07.06.2024 issued by the Chief Engineer (PHE) Water, Assam and the Annexures therein are made a part of the record and marked as Annexure-X

collectively.

4. On hearing the counsels for the parties, the State respondents are directed to verify the amount payable to the petitioner for all the 15 works done by him and thereafter pay the outstanding amount due to the petitioner, after deducting the amount already paid to the petitioner.

5. In view of the above facts, the entire exercise shall be concluded by the respondents within a period of 3 (three) months from the date of receipt of a certified copy of this order.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant