

GAHC010177502020



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

Case No. : WP(C)/5317/2020

M/S DEVI UDYOG
A SMALL SCALE INDUSTRY REGD. UNDER THE PROVISIONS OF
FACTORIES ACT, 1948, UNDER GOVT. OF ASSAM AND HAVING ITS OFFICE
AT 3RD FLOOR, KUSHAN PLAZA, MUKESH HYUNDAI SHOWROOM
BUILDING, GANESHGURI, DISPUR, GHY, ASSAM- 781006, AND ONE MORE
OFFICE AT LOCATED AT SETHI TRUST BUILDING, UNIT II, 8TH FLOOR,
NEAR SBI (GMC BRANCH), BHANGAGARH, GHY-03, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMM. AND SECY. PANCHAYAT AND RURAL DEVELOPMENT
DEPTT., ASSAM, DISPUR, GHY-6

2:COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-6

3:COMM. AND SECY. TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT.
DISPUR
GHY-06

4:DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
GHY-06

5:THE ADDL. CHIEF SECRETARY
GUWAHATI DEV

URBAN DEV AND PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM

6:THE PROJECT DIRECTOR
DRDA AND AUTHORISED SIGNATORY OF DPC
DARRANG
MANGALDOI

7:THE JOINT DIRECTOR AND STATE NODAL OFFICE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.

8:THE DY. COMMISSIONER
DARRANG
MANGALDOI
ASSA

Advocate for the Petitioner : MS. M L GOPE

Advocate for the Respondent : SC, PNRD

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

07.02.2024

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 Project Director, DRDA Darang.

2. The case of the petitioner herein is that the petitioner supplied various types of materials for construction works under the MGNREGA Scheme at Kalaigaon Development Block, Mangaldai Darrang. The learned counsel for the petitioner submitted that the materials were supplied to the department for the period from 2015-2016 and 2016-2017, for which the petitioner had duly

submitted the bill for an amount of Rs.88,79,176/-. However, out of the total bill amount, the respondent authorities had released only an amount of Rs.26,22,145/- in favour of the petitioner, however, the outstanding bill amounting to Rs.59,34,807/- still remains unpaid to the petitioner. It is under such circumstances, the instant writ petition has been filed.

3. Mr. N Borah, the learned counsel appearing on behalf of the respondents 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 depend 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 to the respondent authorities to verify as to whether the petitioner has supplied the various construction materials to the Department as per the allotment of the work and also as to whether the petitioner had submitted the 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 amount as claimed or part thereof, the respondent authorities shall pay the petitioner the entitlement to the extent of the supplies made by him.

7. The said exercise be completed with a period of 6 (six) months from the

date a certified copy of the instant order is served upon the respondent authorities, more particularly, the Project Director, DRDA Darang.

8. With above directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant