

GAHC010183272023



2024:GAU-AS:12877

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

Case No. : WP(C)/5221/2023

KAMAL SINGH DUGGAR
S/O LATE MULCHAND DUGAR, R/O HOUSE NO. 9, ULUBARI, SOUTH
SARANIA, BYE LANE NO. 1, GUWAHATI-781007, DIST- KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF ASSAM,
ASSAM SECRETARIAT, DISPUR, GUWAHATI-781006, ASSAM

2:SECRETARY TO THE GOVERNMENT OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
PUBLIC WORKS DEPARTMENT (ROADS)
ASSAM SECRETARIAT
DISPUR GUWAHATI-781006 ASSAM

3:CHIEF ENGINEER
PWD (BLDG)
ASSAM CHANDMARI
GUWAHATI-781003 ASSAM

4:EXECUTIVE ENGINEER
PWD GUWAHATI BUILDING DIVISION-I
GUWAHATI-781001
ASSAM

5:B. BOROOAH COLLEGE
REPRESENTED BY ITS PRINCIPAL
NEAR NEHRU STADIUM
ULUBARI
GUWAHATI-781007
ASSA

Advocate for the Petitioner : MR. B K JAIN, MR. N DAS

Advocate for the Respondent : GA, ASSAM, MS S CHANGKAKOTI (R5), MRS. S KHATANAR (R5), MRS. P BARMAN (BORKAKOTI) (R5), SC, PWD

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 18.12.2024

Heard Mr. B. K. Jain, learned counsel for the petitioner. Also heard Ms. P. Barman, learned counsel for the respondent No. 5.

2. The petitioner's counsel submits that the contract work that had been allotted to the petitioner had been completed on 01.11.2017. However, despite the same, the security deposit of the petitioner has not been returned till date, which amounts to Rs.4,94,894/-.

3. It is surprising to note that despite a lapse of more than 7 years, the security deposit has not been given back by the respondent No. 5 to the petitioner.

4. Annexure-2 of the writ petition pertains to letter No.AC/52/III/Pt.-V dated 18.09.2020 issued by the Executive Engineer, PWD Guwahati Building Division to the Principal, B. Borroah College, Ulubari, which states that there is no liability against the work completed by the petitioner and as such, the security deposit deducted from the bill at source should be released.

5. In view of the stand taken by the PWD that there is no liability against the

work completed by the petitioner and that the security deposit was to be released to him, as per the letter dated 18.09.2020, the respondent No. 5 would have to release the security deposit amounting to Rs.4,94,894/-, as detailed by the Executive Engineer, PWD, Guwahati Building Division.

6. Accordingly, the respondent No. 5 shall release to the petitioner, the security deposit amounting to Rs.4,94,894/-, within a period of three weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant