

GAHC010189762020



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

Case No. : WP(C)/5735/2020

AAGRAH (NON GOVT. ORGANISATION)
JOYMOTI PATH, CHIRANG CHAPORI, DIBRUGARH, P.O. AND DIST-
DIBRUGARH, ASSAM, PIN-786001 (REPRESENTED BY ITS SECRETARY, SRI
PARAG JYOTI BARUAH, AGED ABOUT 54 YEARS, S/O KAMALA KANTA
BARUAH, R/O VILL-NATUN GAON, P.O.-MOHANAGHAR, DIST-
DIBRUGARH, ASSAM, PIN-786008)

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
URBAN DEVELOPMENT DEPARTMENT, JANATA BHAWAN, DISPUR,
GUWAHATI-6, ASSAM

2:THE DIRECTOR
MUNICIPAL ADMINISTRATION
DIRECTORATE OF MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GUWAHATI-6

3:DIBRUGARH MUNICIPAL BOARD
DIBRUGARH
P.O. AND DIST-DIBRUGARH
ASSAM
PIN-786001 (REPRESENTED BY ITS CHAIRPERSON)

4:THE EXECUTIVE OFFICER
DIBRUGARH MUNICIPAL BAORD
P.O. AND DIST-DIBRUGARH
PIN-78600

Advocate for the Petitioner : DR. B AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

24.07.2024

Heard R.P. Sarmah, learned Sr. Counsel for the petitioner assisted by Ms. A. Deka. Also heard Ms. U. Das, learned counsel for the respondent Nos. 1 & 2 and Mr. A.K. Gupta, learned counsel for the respondent Nos. 3 & 4.

2. The case of the petitioner is that the petitioner was entrusted to execute the work namely " Implementation of Door to Door Collection with Segregation, Awareness Raising, Processing of Organic Waste in a Decentralized Manner and in Compliance with Management of Solid Wastes (MSW) Rules, 2016 and Dumping of Rejects at the Dumpsite/Landfill Site on Behalf of Dibrugarh Municipal Board." The petitioner having completed the work, submitted his bills amounting to Rs.40,90,235/-. However, only an amount of Rs.10,01,269/- had been paid to the petitioner, leaving a balance amount of Rs.30,88,971/-. The petitioner's grievance is that the petitioner has not been given the balance amount till date.

3. The counsel for the respondent Nos. 3 & 4 submits that as the writ petitioner had failed to satisfactorily execute the work, no extension was given to the petitioner for the work in question beyond 6 months. The petitioner was paid Rs.10,01,629/- and he is not entitled to any other payment beyond Rs.10,01,629/-.

4. I have heard the learned counsels for the parties.

5. As per the stand taken by the respondent No.3 in the affidavit-in-opposition filed on 22.05.2024, the petitioner is not entitled to any payment beyond Rs.10,01,629/-. However, as the petitioner had made a claim for an outstanding amount of Rs.30,88,971/-, this Court is of the view that evidence would have to be adduced by the petitioner for his claim for the outstanding liability. This Court is accordingly of the view that the petitioner would have to approach the Civil Court for the said purpose.

6. In view of the reasons stated above, the writ petition is dismissed, as this Court is not equipped to decide disputed questions of fact. The petitioner is, however, given liberty to approach the appropriate forum for redressal of his grievance.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant