

GAHC010200082017



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

Case No. : WP(C)/4910/2017

M/S. S.B.ELECTRICALS
REP. BY ITS PROP. SRI SWAPAN DAS, S/O- LATE SANTOSH KUMAR DAS,
R/O- TARUN NAGAR, ABC, GUWAHATI- 781005, DIST- KAMRUPM, ASSAM

VERSUS

THE STATE OF ASSAM and 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
FISHERY DEPTT., DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF FISHERIES
MEEN BHAWAN
GOPINATH NAGAR
GUWAHATI- 781016

3:THE DEPUTY DIRECTOR OF FISHERIES
MEEN BHAWAN
GOPINATH NAGAR
GUWAHATI- 781016

4:THE EXECUTIVE ENGINEER
DIRECTORATE OF FISHERIES
MEEN BHAWAN
GOPINATH NAGAR
GUWAHATI- 78101

Advocate for the Petitioner : MR.N UPADHYAYA, MR.D SARMAH

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

30.09.2024

1. No one appears for the petitioner on call. Mr. M. Chetia, learned counsel appears for all the respondents.
2. The present writ petition has been filed seeking a Writ of Mandamus, directing the authorities to pay to the petitioner his contractual dues amounting to Rs.4,49,886/-.
3. Mr. M. Chetia, learned counsel for the respondents submits that the respondents do not deny the fact that the petitioner is to be paid the admitted amount of Rs.4,49,686/-. However, the petitioner was requested to submit certain documents by the Director of Fisheries and the same has not been submitted by the petitioner till date. He submits that the Director had also issued a final reminder to the contractor to submit the necessary documents/report with a price list of the transformer by 09.04.2013. However, no correspondence was received by the Director.
4. Paragraph-8, 9, 10 and 11 of the affidavit-in-opposition filed by the respondent no.2, i.e. the Director of Fisheries is to the following effect :

“8. That, the deponent has respectfully admitted the fact that the bill amounting to Rs.4,49,686.00 was prepared on 24/03/2012 by concerned JE, checked and signed by AE & EE on 27/03/2012 and duly passed by Director of Fisheries on 27/03/2012. Accordingly, the Director of Fisheries vide letter No.

AF(S)165/2011-12/13804 dated 27/03/2012 has communicated with the Manager, Kalapahar Electrical Sub-Division, Kahilipara, Guwahati for necessary action for supervision and connection of CT/PT.

9. That, the deponent respectfully submits that the Director of Fisheries vide letter No. AF(S)165/2011-12/9684 dated 25/01/2013 has informed the contractor to submit the ASEB supervision report and charging approval and also assured that full fund is available with the department and shall be paid immediately after fulfillment of this essential condition.

10. That the deponent begs to state that the Director of Fisheries vide letter No. AF(S)160/2012-13/10938 dated 07/03/2013 alleged the contractor for non-submission of requested documents related to ASEB norms and urged the contractor to submit the necessary documents/report with a price list of the transformer by 11/03/2013 positively.

11. That the deponent respectfully begs to state that the Director of Fisheries vide letter No. AF(S)160/2012-13/185/183 dated 04/04/2013 has issued final reminder to contractor to submit the documents/necessary documents/report with a price list of the transformer by 09/04/2013. It is also submitted by this answering deponent that till date no correspondence is received from the contractor concerned."

5. As can be seen from the affidavit-in-opposition filed by the respondent no.2, the respondents have admitted that they are liable to pay to the petitioner Rs.4,49,686/-. However, the said payment has not been made due to the fact that the petitioner has not submitted the necessary documents/report with price list of the transformer.

6. In view of the claim of the petitioner being an admitted amount, the respondents are directed to pay to the petitioner the admitted amount of Rs.4,49,686/- within a period of 3 (three) months from the date the petitioner

submits the required documents or copies thereof to the Director of Fisheries. In this respect, the Director of Fisheries shall send a communication to the petitioner within a period of 10 (ten) days from today, informing the petitioner the required documents which are to be submitted.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant