

GAHC010204662024



2024:GAU-AS:11713

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

Case No. : WP(C)/5268/2024

M/S S H TRADING
TO BE REPRESENTED BY SHANAWAZ HUSSAIN KHAN, AGED ABOUT 28
YEARS,
S/O LATE SALIM UDDIN KHAN
R/O VILL- HOSPITAL ROAD, (OPP. BTN.) SILCHAR
P.S. SILCHAR, DIST. CACHAR, ASSAM, PIN- 788005

VERSUS

THE STATE OF ASSAM AND 6 ORS
TO BE REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT, DISPUR, GUWAHATI-06.

2:THE COMMISSIONER

PANCHAYAT AND RURAL DEPARTMENT
ASSAM
PANJABARI ROAD
PANJABARI
GUWAHATI- 37.

3:THE DISTRICT COMMISSIONER

CACHAR
SILCHAR
DIST. CACHAR
ASSAM
PIN-788001

4:THE DISTRICT COMMISSIONER

CUM DISTRICT PROGRAMME COORDINATE (MGNREGA)
CACHAR
P.O. AND P.S. SILCHAR
DIST. CACHAR

ASSAM
PIN-788001

5:THE CHIEF EXECUTIVE OFFICER
CACHAR
ZILLA PARISHAD
SILCHAR
DIST. CACHAR
ASSAM
PIN-788001

6:THE PROJECT DIRECTOR
DISTRICT RURAL DEVELOPMENT AGENCY
CACHAR
SILCHAR
DIST. CACHAR
ASSAM
PIN-788001

7:THE BLOCK DEVELOPMENT OFFICER
SALCHAPRA
CACHAR CUM PROGRAMME OFFICER
DIST. CACHAR
ASSA

Advocate for the Petitioner : MR. L R MAZUMDER, MR. A ISLAM

Advocate for the Respondent : SC, P AND R.D., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 27-11-2024

Heard Mr. LR Mazumder, learned counsel for the petitioner, who submits that the petitioner supplied materials for (1) construction of the RCC bridge at Chandpur Part-I, (2) construction of a road from Kutisaha Mukam to Bahar Uddin Barbhuiya shop and (3) for construction of another road from Siraj Ali Abarbhuiya house to Katai Saha Mukam.

2. The petitioner's counsel submits that the petitioner completed 50% of the supply orders and till date his bill amounting to Rs. 16,83,343/- has not been paid. The petitioner has not been able to show this Court, any supply orders issued in the name of the petitioner or any admission made by the authorities, that the petitioner is owed some amount of money for the supply alleged to be made by him.

3. The petitioner's counsel submits that the criminal case that has been registered, i.e. Borkhola Police Station Case No. 242/2016 has been closed by the Police. He submits that due to the false Police case lodged by some miscreants, payment has not been released to the petitioner. However, as the said Police case has been closed, there is no impediment for release of the petitioner's dues by the respondents.

4. The petitioner's counsel thus prays that a direction may be issued to the respondent authorities, to verify whether any supply orders has been issued to the petitioner and whether it had been duly complied with. If it is found that any supply order had been issued to the petitioner, which has been complied with, the admitted dues should be paid to the petitioner.

5. Mr. S Dutta, learned counsel for the P&RD Department and Ms. U Das, learned counsel for the respondent Nos. 3 & 4 submit that they have no objection to the prayer made by the petitioner's counsel. They submit that the petitioner may submit a fresh representation to the respondent Nos. 2 & 3, with regard to his claims of unpaid bills for supply of materials. They submit that the representation to be submitted by the petitioner should contain specific particulars with regard to the supplies made by the petitioner. Thereafter, a

verification will be carried out by the respondent Nos. 2 & 3, who will take a decision on the same.

6. On considering the prayer of the counsel of the parties, this Court is of the view that the writ petition is bereft of specific facts. Accordingly, the petitioner is given the liberty to file a fresh representation to the respondent Nos. 2 & 3, with regard to his claim of unpaid bills for supply of materials for three contract works, i.e., with regard to construction of bridge and roads to different Gaon Panchayats under the Salchapra Development Block, Cachar District. The representation to be submitted by the petitioner, should be submitted within a period of one week from today. On receipt of the petitioner's representation, if any, the respondent Nos. 2 & 3 shall verify the same and take a decision on the petitioner's representation. In the event it is found that the petitioner has made supplies on the basis of validly issued supply orders and payment has not been made to the petitioner, the respondents shall ensure that the admitted outstanding amount is paid to the petitioner. The entire exercise should be concluded within a period of 6 (six) months from the date of receipt of a certified copy of this order.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant