

GAHC010205752016



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

Case No. : WP(C)/4341/2016

SANOWAR HUSSAIN
S/O- AHMED HUSSAIN, BARPETA ROAD, P.O.- BARPETA ROAD, DIST.-
BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM and 3 ORS.
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
PUBLIC WORKS DEPTT. BUILDIG and N.H., DISPUR, GHY- 6.

2:THE CHIEF ENGINEER
PWD NH. WORKS
CHANDMARI
GHY- 3.

3:THE SUPERINTENDING ENGINEER
PWD NH
NORTHERN ASSAM CIRCLE
CHANDMARI
GHY- 3.

4:THE EXECUTIVE ENGINEER
PWD N.H.
ABHAYAPURI CONSTRUCTION DIVISION
ABHAYAPURI
DIST.- BONGAIGAON
ASSAM- 783384

Advocate for the Petitioner : MR.S HOQUE, MR.M DEKA

Advocate for the Respondent : MRS.V L SINGH, MR. D GOGOI & MR. R. DHAR, SC, PWD (NH)

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

28.08.2024

1. Heard Mr. S. Hoque, learned counsel for the petitioner. Also heard Ms. S. Sarma, learned counsel for all the respondents.
2. The petitioner's case is that the petitioner is a contractor under the PWD (NH), Government of Assam. The petitioner was allotted construction works pertaining to Flood Damage Repairing and Ordinary Repairing of the NH-31 and NH-31(B) by the respondent no.4 in the year 2010. After completion of the contract work, the petitioner submitted his bills amounting to Rs.18,28,127/-. However, the respondent authorities have not made any payment to the petitioner, despite making payments to other contractors for works made subsequently by them. Mr. S. Haque accordingly submits that a direction may be issued to the respondents to verify the claim of the petitioner and to make payment of the admitted amount.
3. Ms. S. Sarma, learned counsel for all the respondents submits that as she has not received any parawise comments, a direction may be passed by this Court to verify the amount claimed by the petitioner and thereafter payment will be made with regard to the admitted amount.
4. I have heard the learned counsels for the parties.

5. Paragraph-2 of the writ petition shows the various Work Orders allegedly issued to the petitioner by the respondent no.4, which are as follows :

“i. Work Order No. TB/FDR/2006-07/372 dated 04-06- 2010 of amount of **Rs.4,18,179/-**

ii. Work Order No. TB/FDR/2006-07/373 dated 04-06- 2010 of amount of **Rs.4,18,179/-**

iii. Work Order No. TB/FDR/2006-07/527 dated 17-06- 2010 of amount of **Rs.3,96,455/-**

iv. Work Order No. TB/FDR/2006-07/526 dated 17-06- 2010 of amount of **Rs.2,66,114/-**

v. Work Order No. TB/FDR/2006-07/667 dated 12-07-2010 of amount of **Rs.2,16,804/-**

vi. Work Order No. TB/FDR/2006-07/704 dated 14-07-2010 of amount of **Rs.1,12,346/-**”

6. Annexure-B₁ to Annexure-B₆ are the alleged Completion Certificates issued by the respondent no.4.

7. The writ petition claiming payment of the contractual dues has been filed on 18.07.2016. Despite a lapse of more than 8 years, the respondent authorities have not submitted any affidavit till date and neither have they given any instructions to their counsel, with regard to the claim of the petitioner.

8. In view of the above facts and keeping in view the judgment of the Full Bench of this Court in the case of **Tamsher Ali vs. State of Assam & Others**, reported in **2008 (4) GLT 1**, this Court is not inclined to keep the matter

pending any longer.

9. In view of the reasons stated above, the respondent no.2 is directed to verify the claim of the petitioner with regard to the work orders issued and whether the petitioner had completed the same. Further, he shall also verify as to whether the amount claimed by the petitioner has been paid to the petitioner or not. If the claim of the petitioner has not been paid in full, the respondent no.2 shall clarify the admitted amount payable to the petitioner. Thereafter the respondents shall ensure that funds are made available for payment of the admitted amount to the petitioner. The entire process should be completed within a period of 3 (three) months from the date of receipt of this order.

10. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant