

GAHC010208892023



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

Case No. : WP(C)/5444/2023

SANTI SAHU
APPROVED CONTRACTOR,
IWT DIVISION, SILCHAR-3,
W/O- C.P. SAHU, VILLAGE- GAGLACHERRA,
P.O.- JAPPIRBOND, P.S.-LALA,
DISTRICT- HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, TRANSPORT DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE DIRECTOR
INLAND WATER TRANSPORT
ASSAM ULUBARI
GUWAHATI-7.

3:THE EXECUTIVE ENGINEER
INLAND WATER TRANSPORT DIVISION
CENTRAL ROAD
CHANDMARI
CACHAR
SILCHAR.

4:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : SC, IWT

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 03.04.2024

Mr. A. M. Barbhuiya, learned counsel appears for the petitioner. Ms. M.D. Bora, learned Standing Counsel appears for the Transport Department, respondent nos. 1, 2 & 3 and Mr. M. Bhuyan, learned counsel representing Mr. B. Gogoi, learned Standing Counsel, Finance Department for the respondent no. 4.

2. It is the case of the petitioner that the petitioner was awarded 30 Nos. of work orders, as mentioned in paragraph 4 of the writ petition, by the respondent authorities in the Inland Water Transport Department and on being awarded the said Contract-Works, he had executed the same. It is projected that after execution of the Contract-Works pursuant to those work orders, the petitioner submitted the final bills in respect of the said Contract-Works amounting to Rs. 22,89,318/- in total. It is projected that despite submission of final bills, the respondent authorities have not disbursed the said amount of Rs. 22,89,318/-. Accordingly, the petitioner has filed this writ petition, seeking a direction to be issued to the respondent authorities in the Inland Water Transport Department, to disburse the sum of Rs. 22,89,318/-.

3. Learned counsel for the respondent Nos. 1, 2 & 3 submits that after the respondent No. 2 received the financial sanction proposal from the respondent No. 3 for Rs. 22,89,318/-, which was payable to the petitioner, the same was forwarded to the Government of Assam for according financial sanction. As and when the Finance Department accords financial sanction for payment of the

proposed amount of Rs. 22,89,318/- and fund is made available, the same would be paid to the petitioner.

4. As can be seen from the submission made by the learned counsels for the parties and keeping in view para Nos. 4, 5 & 6 of the affidavit-in-opposition filed by the respondent No. 2, it is clear that the State respondents have admitted that they have an outstanding liability of Rs. 22,89,318/- payable to the petitioner. It is also clear from the affidavit-in-opposition that the proposal for giving sanction by the Finance Department has been processed and that the amount will be paid to the petitioner, as and when the Finance Department approves the sanction proposal and provides the funds required for payment.

5. In view of the State respondents having admitted their liability of Rs. 22,89,318/-, as per the affidavit-in-opposition, the respondent No. 4 is directed to approve the sanction proposal for Rs. 22,89,318/- and make arrangement for the funds to be deposited with the respondent Nos. 1, 2 & 3, who shall thereafter disburse the same to the petitioner. The entire exercise should be concluded, within a period of 5 (five) months, from the date of receipt of a certified copy of this order.

6. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant