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

Case No. : WP(C)/6873/2022

JATINDRA NARAYAN BORAH
C/O. DIMBESWAR BORAH, VILL. 10 NO. KAKI GAON, P.O. 10 NO. KAKI,
DIST. HOJAI, ASSAM, PIN-782442.

VERSUS

THE GOVT OF ASSAM AND 3 ORS
IRRIGAON DEPTT., REP. BY THE COMMISSIONER AND SECRETARY,
DISPUR, GUWAHATI-781006.

2:THE CHIEF ENGINEER

IRRIGATION ASSAM
GUWAHATI-03.

3:THE SUPERINTENDING ENGINEER

HOJAI CIRCLE (IRRIGATION)
HOJAI
ASSAM
PIN-782435.

4:THE EXECUTIVE ENGINEER

JAMUNA COMMANDED AREA DEVELOPMENT DIVISION (IRRIGATION)
HOJAI
ASSAM
PIN-782435

Advocate for the Petitioner : G UDDIN, P SHARMA

Advocate for the Respondent : SC, IRRIGATION,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

07.06.2024

Heard Ms. P. Adhikari, learned counsel for the petitioner. Also heard Mr. N. Upadhyay, learned Standing Counsel, Irrigation Department.

2. This writ petition has been filed by the petitioner seeking directions from this Court for release of payments in respect of works executed by the petitioner under the Executive Engineer, Jamuna Commanded Area Development Division (Irrigation), Hojai, Assam

3. The Petitioner was awarded the work i.e. *Morderrnisation (Improvement) of Jamuna Irrigation Scheme Under State Plan for the year 2017-18 (S.O.P.D)* on 13.07.2018 by the respondent No. 4.

4. In pursuance to which, the petitioner duly executed all the works allotted and submitted his bills. The completion certificate dated 15.06.2020 was also issued by the Execute Engineer, Jamunamukh, Hojai, Lumding Division (Irrigation), Hojai certifying that the works had been progress 91% by the contractor within the validity period, which is enclosed as Annexure-4 in the writ petition. The bills which were raised remained pending and only a part amount of Rs. 57,029/- (Rupees Fifty Seven Thousand twenty nine ony) was released, whereas the remaining amount of Rs. 1,33,068/- (Rupees One Lakh Thirty Three Thousand Sixty Eighty Only) is yet to be released. The petitioner represented before the authority requesting for release of his pending dues but no response was forthcoming from the respondent authority. Under such

circumstances, left with no alternative, the petitioner has come before this Court praying for a direction for release of the said amount.

5. Having heard the learned counsel for the parties and upon perusal of the pleadings on record, it is seen that there is a completion certificate dated 15.06.2020 issued by the Executive Engineer, Jamunamukh, Hojai, Lumding Division (Irrigation), Hojai in which the works has been progress 91% by the contractor within the validity. The amount paid and the outstanding amount required to be paid is clearly reflected. Details of work executed are also reflected. The said completion certificate is also accompanied by verification report by the Executive Engineer.

6. Under such circumstances, this Court finds that the works executed and the claims raised by the petitioner are admitted by the department. Therefore it appears that the claims of the petitioner in respect of outstanding dues were kept pending without any justifiable reasons. Accordingly this writ petition is disposed of with a direction to the respondent No. 2, Chief Engineer, Irrigation, Assam, to look into the grievances of the petitioner. The Chief Engineer, Irrigation Assam will cause necessary verification into the claims of the writ petitioner to be conducted and thereafter, take steps as expeditiously as possible for release of the outstanding amount claimed to be pending and required to be paid by the Department.

7. The outstanding dues found if payable after verification will be made to the petitioner will be in terms of the guidelines laid down in *Tamsher Ali and Ors Vs. State of Assam and Ors* reported in 2008 (4) GLT 1,

8. The entire exercise is directed to be completed within a period of 120 days

from the date of receipt of the certified copy of this order.

9. Accordingly, the writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant