

GAHC010215262019



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

**Case No. : WP(C)/6638/2019**

SURJYA DAS  
S/O. SRI BHABA KANTA DAS, R/O. COTTON ROAD HAZARIKA CHUK, P.O.  
AND P.S. TEZPUR, DIST. SONITPUR, PIN-784001.

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE COMM. AND SECY., GOVT. OF ASSAM, PUBLIC WORKS  
DEPTT. (ROADS), DISPUR, GUWAHATI-06.

2:CHIEF ENGINEER  
PWD RURAL ROADS DIVISION CHANMARI GUWAHATI-03.

3:THE EMPOWERED OFFICER ASRB  
CHANDMARI  
GUWAHATI-03.

4:EXECUTIVE ENGINEER  
SONITPUR RURAL ROAD DIVISION  
BISWANATH CHARIALI

**Advocate for the Petitioner** : MR. R DHAR, MR. B C MUCHAHARY

**Advocate for the Respondent** : MS. D. D. BARMAN (GA, ASSAM),

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**28.08.2024**

1. Heard Mr. R. Dhar, learned counsel for the petitioner. Also heard Ms. S.

Sarma, learned counsel for the respondent nos.2 & 4. Mr. J. Handique, learned counsel appears for the respondent no.1, while Mr. S.R. Baruah, learned counsel appears for the respondent no.3.

2. The petitioner's case is that he is a Class-I contractor registered with the Public Works Department, Roads & Building. The petitioner was allotted the contract work of "Repairs of SPT Bridges on roads leading to polling stations under maintenance fund of ASRB for the year 2006-2007 under PWD Tezpur Road Circle, Tezpur (Election Urgent)". Vide "Notice to Proceed with the Work no.TC/BD/247/Pt-II/02(Tz)/2005-06/6320 dated 03.03.2006" issued by the Superintending Engineer, PWD, Tezpur Road Circle, Tezpur, the petitioner completed the contract work. The estimated cost of the contract work was Rs.15,06,984.00. The petitioner's case is that while some amount of the contractual dues of the petitioner have been paid, the respondents are still to pay Rs.1,15,399/- to the petitioner.

3. Ms. S. Sarma, learned counsel for the respondent nos.2 & 4 admits the fact that the petitioner is still to be paid Rs.1,15,399/-. In this respect, she has relied upon the parawise reply furnished to her by the office of the Chief Engineer, PWD (Roads), Audit-II Branch dated 11.11.2019 and the letter dated 05.11.2019 issued by the Superintending Engineer, PWRD, Tezpur Road Circle, Tezpur.

4. I have heard the learned counsels for the parties.

5. Paragraph-9 of the letter dated 05.11.2019 issued by the Superintending Engineer, PWRD, Tezpur Road Circle, Tezpur, which is the parawise comments relating to the present writ petition states as follows :

*“The total Value of Work was Rs. 15,05,760.00, the value of work as per previous RA Bill already paid is Rs. 13,81,675.00, the net value of work since previous bill (1,2) now to be paid is R against W.P.C No. 6638/2019-Surya Das vs. State of Assam and others.s. 1,24,085.00. After deduction of IT, VAT & LC of Rs. 8,686.00 - 1,24,085.00 comes to Rs.1,15,399.00. The Respondents are to pay Rs.1,15,399.00 to the Petitioner by way of online payment.”*

6. In view of there being an admission by the State respondents that they are liable to pay Rs.1,15,399/- to the petitioner, the respondents are directed to pay the admitted amount to the petitioner, within a period of 2 (two) months from the date of receipt of a certified copy of this order.

7. The letter dated 11.11.2019 issued by the Addl. Chief Engineer (Planning) PWD (Roads), Assam and the letter dated 05.11.2019 issued by the Superintending Engineer, PWRD, Tezpur Road Circle, Tezpur, are made a part of the record and marked as Annexure-X & Y collectively.

8. The writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**