

GAHC010215482022



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

Case No. : WP(C)/6909/2022

M/S NOBLE AGENCY
REPRESENTED BY PROPRIETOR SRI NEPAL CHANDRA NANDI, AGE- 72
YEARS,
SON OF LATE NAGENDRA CHANDRA NANDI,
RESIDENT OF - RANGIRKHARI, TARANI DEBNATH PATH,
HOUSE NO. 93, P.O. AND P.S.- SILCHAR,
DISTRICT- CACHAR, ASSAM,
PIN- 788006.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
REVENUE AND DISASTER MANAGEMENT, ASSAM,
DISPUR, GUWAHATI- 06.

2:THE DEPUTY COMMISSIONER-CUM-CHAIRPERSON
DISASTER MANAGEMENT AUTHORITY
SILCHAR

DISTRICT- CACHAR
ASSAM
PIN- 788006.

3:THE ADDITIONAL DEPUTY COMMISSIONER
THE THEN IN-CHARGE
DISASTER MANAGEMENT AUTHORITY

SILCHAR
DISTRICT- CACHAR
ASSAM

PIN- 788006

Advocate for the Petitioner : MS M DAS

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 02.02.2024

Heard Ms. M. Das, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned counsel for the respondent No.1 and Ms. U. Das, learned Additional Senior Government Advocate for the respondents No. 2 and 3.

2. By filing the writ petition, the petitioner has prayed for a direction to the respondent authorities for payment of an outstanding bill of Rs.27,64,174/- (Rupees Twenty Seven Lacs Sixty Four Thousand One Hundred and Seventy Four) only against supply of various essential materials for use in the Covid Quarantine Centre under Cachar district, Assam pursuant to the work order issued by the respondent authorities.

3. The petitioner being a registered government contractor and supplier was issued work orders for supply of essential materials/items for use in the Covid Quarantine Centers during Covid pandemic in the year 2020 in the District of Cachar, Assam which are as follows:-

i) Work orders No.CNZ.10/2010/Pt/50 dated 05.04.2020

ii) Work orders No.CNZ.10/2010/Pt dated 06.04.2020

iii) Work orders No.CNZ.10/2010/Pt/59 dated 08.04.2020

iv) Work orders No.CNZ.10/2010/Pt/62 dated 09.04.2020

- v) Work orders No.CNZ.10/2010/Pt dated 13.04.2020
- vi) Work orders No.CNZ.10/2010/Pt dated 24.04.2020
- vii) Work orders No.CNZ.10/2010/Pt dated 24.04.2020
- viii) Work orders No.CNZ.10/2010/Pt dated 24.04.2020
- ix) Work orders No.CNZ.10/2010/Pt dated 25.04.2020
- x) Work orders No.CNZ.10/2010/Pt/ dated 05.05.2020
- xi) Work orders No.CNZ.10/2010/Pt/ dated 06.05.2020
- xii) Work orders No.CNZ.10/2010/Pt/ dated 08.05.2020
- xiii) Work orders No.CNZ.10/2010/Pt/ dated 10.05.2020

4. Accordingly, the petitioner has supplied the essential materials/items in the different Quarantine Centres in the district of Cachar, which has been duly acknowledged by the respondent authorities. Thereafter, the petitioner has submitted a bill amounting to Rs.27,64,174/- (Rupees Twenty Seven Lacs Sixty Four Thousand One Hundred and Seventy Four) only. However, the respondent authorities have failed to make payment of the said amount to the petitioner. Hence, this present petition for a direction for release of the aforesaid amount.

5. The respondent authorities through the respondent No.3 have filed affidavit, clearly admitting the amount as claimed by the petitioner. It is also stated that as and when the fund is received from the government, the payment will immediately be released.

6. Having considered that the petitioner has supplied the essential materials/items during the Covid-19 pandemic coupled with the fact that the bill has been verified and found to be entitled to the petitioner as well as respondents have stated that as and when the fund is received from the government the payment of the outstanding bill of Rs.27,64,174/- as submitted and claimed by the petitioner shall be released, this Court deem it appropriate to dispose of the writ petition with a direction to release the

outstanding admitted amount to the petitioner.

7. Accordingly, the respondent authorities particularly the respondents No.1 and 3 are directed to release the admitted outstanding amount of Rs.27,64,174/- (Rupees Twenty Seven Lacs Sixty Four Thousand One Hundred and Seventy Four) only to the petitioner within three months from today.

Writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant