

GAHC010222192023



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

Case No. : WP(C)/5806/2023

TRADERS (ASSAM)
A PROPRIETORIAL CONCERN
HAVING ITS OFFICE AT MITHAPUKHURI ROAD, JORHAT,
AND IS REPRESENTED BY ITS PROPRIETOR,
SRI RAJENDRA PRASAD AGARWAL,
SON OF LT. RAM KISHORE AGARWAL,
AGED ABOUT 62 YEARS,
RESIDENT OF DEWAL ROAD, JORHAT,
IN THE DISTRICT OF JORHAT, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
DEPARTMENT OF HOUSING AND URBAN AFFAIRS,
A-BLOCK, GROUND FLOOR, JANATA BHAWAN,
DISPUR, GUWAHATI- 781006,
IN THE DISTRICT OF KAMRUP(M), ASSAM.

2:ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
A GOVT. OF ASSAM UNDERTAKING

AMRITPUR PATH
GANESHGURI
GUWAHATI- 781006
IN THE DISTRICT OF KAMRUP(M)
ASSAM
REPRESENTED BY ITS MANAGING DIRECTOR.

3:THE CHAIRMAN
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD

A GOVT. OF ASSAM UNDERTAKING

AMRITPUR PATH
GANESHGURI
GUWAHATI- 781006

IN THE DISTRICT OF KAMRUP(M)
ASSAM.

4:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
JORHAT DIVISION
NEHRU PARK
BARUA CHARIALI

JORHAT- 783001

Advocate for the Petitioner : MR G N SAHEWALLA, MD ASLAM,MR. A CHETIA,MR M SAHEWALLA,MS. S. TODI,MR H K SARMA

Advocate for the Respondent : GA, ASSAM, MR K BISWAKARMA (r-2,3,4),SC, ASSAM URBAN WATER AND SEWERAGE BOARD,MR. S P CHOUDHURY,SC, HOUSING AND URBAN AFFAIRS,MR. S BORA,SC, ASSAM URBAN WATER AND SEWERAGE BOARD,MR. S P CHOUDHURY,SC, HOUSING AND URBAN AFFAIRS,MR. S BORA

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 16.08.2024

Heard Mr. G. N. Sahewalla, learned Senior Counsel assisted by Ms. S. Todi, learned counsel appearing for the petitioner. Also heard Ms. S. Barua, learned counsel appearing for the respondent no. 1 and Mr. K. Biswakarma, learned counsel appearing for the respondents no. 2, 3 & 4.

As agreed to by the learned counsels appearing for the parties, this writ petition is taken up for final consideration and disposal.

The petitioner, in the present proceeding has prayed for a direction upon

the respondent authorities to clear his outstanding dues amounting to Rs. 17,20,557/-, which is in arrears for the work undertaken by him for the respondent authorities during the period 1998 to 2002. The petitioner prays that the said amount be released to him with an interest @ 12% per annum.

The respondents, by way of filing an affidavit in the matter had disputed such claim of the petitioner on the ground of delay occasioning in claiming the said amount and accordingly, it was stated that such claim as made by the petitioner in the present proceeding is barred by limitation.

In the said affidavit, it was also highlighted that the amounts due to the petitioner could not be released to him on account of a financial crunch suffered by the Board and accordingly, the same remained in arrears.

Mr. Biswakarma, learned counsel appearing for the respondents no. 2, 3 & 4, on instructions, submitted that the Board is in receipt of funds and accordingly, the claim of the petitioner can be given its due consideration and the arrears cleared. However, Mr. Biswakarma, submits that the claim being a old one, the Board be permitted to carry out a verification process for the same and thereafter to release the amount due and it is also submitted that in the event the claim of the petitioner is found to be admitted, he would be entitled to interest as claimed for.

The said submission is not disputed to by Mr. G. N. Sahewalla, learned Senior Counsel, who submits that the petitioner has been unnecessarily harassed for such long period of time on account of his non release of his admitted dues.

In view of the submissions made by Mr. Biswakarma, learned counsel appearing for the respondents no. 2, 3 & 4, the Board is directed to carry out a verification process of the bills as submitted by the petitioner and thereafter, in

the event it is found that the claim made by the petitioner is admitted, to release the admitted amount to the petitioner, along with interest @ 12% per annum from the date the same was so due, till the date of actual release of such admitted dues.

The said exercise shall now be initiated and the verification process be concluded by the respondent Board within a period of 3(three) months from the date of receipt of a certified copy of this order from the petitioner, herein, followed by payment of the admitted amounts to the petitioner, along with the interest as directed herein above.

With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant