

GAHC010232102023



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

Case No. : WP(C)/6096/2023

SHANKAR ROY
S/O- LATE SUSHIL ROY,
R/O KARIMGANJ WARD NO-6,
LAXMI BAZAR ROAD,
P.O AND DIST- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE DEPUTY COMMISSIONER

DIST-KARIMGANJ
ASSAM
PIN-788710

4:THE CIRCLE OFFICER

RAMKRISHNA NAGAR REVENUE CIRCLE
RAMKRISHNA NAGAR
DIST-KARIMGANJ
ASSAM
PIN-788166

5:THE EXECUTIVE ENGINEER
PWD
KARIMGANJ RURAL ROAD DIVISION

DIST-KARIMGANJ
ASSAM
PIN-78871

Advocate for the Petitioner : MR. A H M R CHOUDHURY,

Advocate for the Respondent : SC, REVENUE, SC, FINANCE,GA, ASSAM,SC, PWD

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

12.08.2024

1. Heard Mr. A.H.M.R. Choudhury, learned counsel for the petitioner. Also heard Mr. M. Chetia, learned counsel for the respondent nos.3 & 4 and Mr. J. Handique, learned counsel for the respondent no.1. Mr. B. Gogoi, learned counsel appears for the respondent ns.2 & 5.

2. The petitioner's case is that pursuant to a bidding process the petitioner was awarded a contract work under the 'Restoration of Bazarghat Nagendranagar Road under SDRF for 2018-2019 under Karimganj Rural Road Division' for the estimated value of Rs.1,00,000/-. The petitioner completed the contract work which was duly certified by the respondent no.4. However, the petitioner's contractual dues amounting to Rs.1,00,000/- has not been paid till date.

3. Mr. J. Handique, learned counsel for the respondent no.1 submits that he has not received any instructions with regard to the above till date. However, the bills of the petitioner would have to be paid by the respondent no.1, if the petitioner had done the contractual work.

4. Mr. M. Chetia, learned counsel for the respondent nos.3 & 4 has submitted letter no. KRR.36/2019/Pt/5 dated 16.01.2021 issued by the Deputy Commissioner, Karimganj addressed to the Joint Secretary to the Government of Assam, Revenue & D.M. (General) Department, Dispur, which admits that the bill amount payable to the petitioner is Rs.99,422/-. He further submits that though Work Completion Report had been made and requisition/demand for release of fund had been sent to the respondent no.1 on 16.01.2021, as indicated in the letter mentioned above, no amount has been released by the respondent no.1 for payment to the petitioner.

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

6. The letter dated 16.01.2021 issued by the Deputy Commissioner, Karimganj shows that the admitted contractual dues payable to the petitioner amounts to Rs.99,422/-. The affidavit-in-opposition filed by the respondent no.3 at paragraph nos.4 & 6 also shows that despite the petitioner having completed the work and a requisition/demand having been made for release of Rs.99,422/-, vide the above letter dated 16.01.2021, the said amount has not been released by the respondent no.1 to the respondent no.3 till date, for payment to the petitioner.

7. In view of there being an admission by the respondents that the petitioner is liable to be paid Rs. Rs.99,422/-, the respondent no.1 is directed to release the amount of Rs.99,422/- to the respondent no.3, within a period of 3 (three) months from the date of receipt of a certified copy of this order. The respondent no.3 shall thereafter immediately furnish the same to the petitioner.

8. The letter no. KRR.36/2019/Pt/5 dated 16.01.2021 issued by the Deputy Commissioner, Karimganj is made a part of the record and marked as Annexure-X.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant