

GAHC010233092024



undefined

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

Case No. : WP(C)/5882/2024

MUSTAFA MOINUL PASSA
@ PACKAGE NO. (C AND D/25), SON OF LT. MOBARAK ALI, RESIDENT OF
RUPNAGAR HOUSEFED COMPLEX, BLOCK B, FLAT NO. 602, P.O.-
INDRAPUR, P.S. BHANGAGARH, GUWAHATI- 781032, DIST- KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY, GUWAHATI
DEVELOPMENT DEPARTMENT, 4TH FLOOR, BLOCK-D, ASSAM
SACHIVALAYA, DISPUR, GUWAHATI- 781006

2:GUWAHATI MUNICIPAL CORPORATION
REPRESENTED BY ITS COMMISSIONER
BHANGAGHAR
GMDA BUILDING
GUWAHATI- 781005

3:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
BHANGAGHAR
GMDA BUILDING
GUWAHATI- 78100

Linked Case : WP(C)/5918/2024

M/S CZAR TECHNOLOGIES
PACKAGE NO. (C AND D/41)

REPRESENTED BY ONE OF ITS PARTNER SHRI PRANJAL GOHAIN

AGED ABOUT 47 YEARS

SON OF LT. TARUN CHANDRA GOHAIN

RESIDENT OF HOUSE NO. 49
SURVEY

AJANTA PATH
BYE LANE NO. 1
BELTOLA

P.O.- BELTOLA
P.S.- HATIGAON
GUWAHATI- 781028

DIST.- KAMRUP(M)
ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY

GUWAHATI DEVELOPMENT DEPARTMENT

4TH FLOOR
BLOCK-D
ASSAM SACHIVALAYA

DISPUR
GUWAHATI- 781006.

2:GUWAHATI MUNICIPAL CORPORATION
REPRESENTED BY ITS COMMISSIONER

BHANGAGARH
GMDA BUILDING
GUWAHATI- 781005.

3:THE COMMISSIONER
GUWAHTI MUNICIPAL CORPORATION
BHANGAGARH

GMDA BUILDING
GUWAHATI- 781005.

Advocate for : MR S P DAS
Advocate for : SC
GMC appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/5890/2024

PARAG JYOTI GOGOI
ALIAS PACKAGE NO. (C AND D/57)

SON OF LT. PRADIP KR. GOGOI

RESIDENT OF H. NO. 26
RUKMINI NAGAR

RANGAMANCHA PATH
WIRELESS

GUWAHATI- 781006
DIST.- KAMRUP(M)
ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY

GUWAHATI DEVELOPMENT DEPARTMENT

4TH FLOOR
BLOCK-D
ASSAM SACHIVALAYA

DISPUR
GUWAHATI- 781006.

2:GUWAHATI MUNICIPAL CORPORATION
REPRESENTED BY ITS COMMISSIONER

BHANGAGARH
GMDA BUILDING
GUWAHATI- 781005.

3:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
BHANGAGARH
GMDA BUILDING
GUWAHATI- 781005.

For the Petitioner(s) : Mr. S.P. Das, Advocate
Mr. A. Deka, Advocate
Mr. S. Baishya, Advocate

For the Respondent(s) : Mr. S. Bora, GMC

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.11.2024

Heard Mr. S.P. Das, the learned counsel appearing on behalf of the petitioners in the instant batch of writ petitions. Mr. S. Bora, the learned Standing Counsel appears on behalf of the Guwahati Municipal Corporation.

2. The instant batch of 3(three) writ petitions are taken up together for disposal, taking into account that the facts in respect to the 3(three) writ petitions are similar.

3. The petitioner in WP(C) No. 5882/2024, was granted a contract for cleaning, desilting and maintenance of all city drains in Guwahati city for the year 2020-21, Package No. C & D/25 at a contract price Rs. 1,87,45,960/- (Rupees One Crore Eighty Seven Lakh Forty Five Thousand Nine Hundred Sixty).

4. The petitioner in WP(C) No. 5918/2024, was granted a contract for cleaning, desilting and maintenance of all city drains in Guwahati city for the year 2020-21, Package No. Package No. C & D/41 at a contract price Rs.

93,24,575.10/- (Rupees Ninety Three Lakhs Twenty Four Thousand Five Hundred Seventy Five & Ten Paisa).

5. The petitioner in WP(C) No. 5890/2024, was granted a contract for cleaning, desilting and maintenance of all city drains in Guwahati city for the year 2020-21, Package No. C & D/57 at a contract price Rs. 1,29,77,376.30/- (Rupees One Crore Twenty Nine Lakhs Seventy Seven Thousand Three Hundred Seventy Six and Thirty Paisa).

6. The records reveals that the contracts of the 3(three) petitioners were terminated on 12.06.2021 vide separate communications and it was also mentioned in those communications that the executed quantity of work as on 12.06.2021 would be measured within a short time by the concerned Divisional Engineer in presence of the 3rd party monitoring agency engaged by the GMC.

7. This Court upon filing of these writ petitions had issued notice on 18.11.2024, seeking instructions from the GMC as to whether physical measurements were carried out upon termination and as to what amount the petitioners will be entitled to.

8. Mr. S. Bora, the learned Standing Counsel of the GMC submitted that immediately upon termination of the contracts of the petitioners vide separate communications dated 12.06.2021, physical measurements of the works executed by the petitioners were carried out. These physical measurements which were carried out is now being verified by a Verification Committee to ascertain the exact amount to which the petitioners are entitled to and upon such verification being carried out, the petitioners would be made their payments.

9. This Court further enquired with Mr. S. Bora, the learned Standing Counsel,

GMC as to how much time would be required taking into account that the physical measurements were carried out in the year 2021. He submitted that within a period of 3(three) months from today, the verifications as regards the entitlement of the petitioners would be carried out and the payment would be disbursed.

10. In view of the submission made by the Standing Counsel of the GMC, this Court disposes of the instant 3(three) writ petitions, thereby directing the GMC to carry out the verifications, as regards the entitlements of each of the petitioners and upon verification, if it is found that the petitioners are entitled to any amount, the payments be disbursed.

11. This Court further directs the respondent Nos. 2 and 3, specifically, to carry out the said exercise within a period of 3(three) months from the date of service of a certified copy of this order.

12. It is further observed that while carrying out the said verification, the Verifying Authority shall also duly take note of that the performance guarantee so submitted by the petitioners have not yet been released.

13. With the above observations and directions, the instant 3 (three) writ petitions stands disposed of.

JUDGE

Comparing Assistant