

GAHC010237422022



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

Case No. : Cont.Cas(C)/674/2022

MANAJ KUMAR BRAHMA
S/O- PRADIP KUMAR BRAHMA,
R/O- VILLAGE NORTH PATGAON,
P.O- PATGAON,
DIST- KOKRAJHAR, BTR, ASSAM

VERSUS

ANURAG GOEL AND ANR
PRINCIPAL SECRETARY, BODOLAND TERRITORIAL COUNCIL, BODOFA
NWGWR, KOKRAJHAR, BTR, ASSAM-783370.

2:DHIRAJ SOUD
ACS
SECRETARY
PNRD
BODOLAND TERRITORIAL COUNCIL
BODOFA NWGWR
KOKRAJHAR
BTR
ASSAM
PIN- 783370.

Advocate for the Petitioner : MR R DHAR, MRS. A BASUMATARY, MR B C MUCHAHARY

Advocate for the Respondent : MR. D SAIKIA (r-1,2), MR. S BORA (r-1,2), MR. B CHOUDHURY (r-1,2), MR P NAYAK, MR. R K MUSHAHARY

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

12.08.2024

1. Heard Mr. R. Dhar, learned counsel for the petitioner, who submits that the petitioner was allotted work under "Construction of road with earth filling and sand gravelling with 1 No. Box culvert near Manaj Brahma house to main road at North Patgaon village" under SOPD fund for the year 2017-2018. Though the petitioner had completed the contract work for the amount of Rs.31,65,000/-, the said amount was not paid to the petitioner.

2. Being aggrieved, the petitioner filed WP(C) 316/2022, which was disposed of, vide order dated 21.01.2022. Vide order dated 21.01.2022 passed in WP(C) 316/2022, the BTC authorities were directed to consider the claim of the petitioner, in accordance with the decision in ***Tamsher Ali vs. State of Assam & Others***, reported in ***2008 (4) GLT 1***. The petitioner's counsel submits that the respondent no.1 in his affidavit has admitted that the petitioner is entitled to payment of Rs.32,00,000/-.

3. Mr. B. Choudhury, learned counsel for the BTC submits that in terms of paragraph 4 of the affidavit filed by the respondent no.1, the petitioner is entitled to payment of Rs.32,00,000/-. He has also submitted a letter dated 09.08.2024 issued by the Secretary, BTC, which is to the effect that the BTC had received Rs.40150.00 lakh (Rupees four hundred one crore fifty) from the Government of Assam, being 50% of the SOPD fund from the budget allocation to BTC for the Financial Year 2024-2025 as 1st installment. He submits that 10%

of the allotted fund would be kept reserved for meeting the contractual payments arising out of assessed liabilities and that the petitioner would also be paid from the said fund, inasmuch as, the petitioner is at Sl. No.95 of the list made by the BTC for payment of outstanding dues.

4. In view of the admission made by the respondents that the petitioner will be paid Rs.32,00,000/- from the 1st installment of the SOPD fund given by the Government of Assam to the BTC, the respondents should pay the admitted amount to the petitioner, at the earliest and preferably within 4 (four) months from today.

5. The letter dated 09.08.2024 issued by the Secretary, BTC, is made a part of the record and marked as Annexure-X.

6. The contempt petition is accordingly disposed of.

JUDGE

Comparing Assistant