

GAHC010242372022



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

Case No. : WP(C)/7609/2022

SALIM AHMED MAZID
S/O LT. DR. ABDUL MAZID, R/O WARD NO. 2, MANGALDAI, DARRANG,
PIN-784125, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECRETARY TO
THE GOVT. OF ASSAM, PUBLIC WORKS DEPARTMENT (ROADS), DISPUR,
GUWAHATI, PIN-781006, ASSAM

2:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS) ASSAM
CHANDMARI
GUWAHATI
PIN-781003
ASSAM

3:THE SUPERINTENDING ENGINEER
PUBLIC WORK DEPARTMENT MANGALDAI ROADS CIRCLE
MANGALDAI
PIN-784125
ASSAM

4:THE EXECUTIVE ENGINEER
PUBLIC WORK DEPARTMENT
MANGALDAI RURAL ROAD DIVISION
DARRANG
MANGALDAI
PIN-784125
ASSA

For the Petitioner(s) : Ms. Toshisenla, Advocate

For the Respondent(s) : Mr. D. Nath, Sr. Government Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 12.01.2024

1. The case of the Petitioner herein is that the Petitioner is aggrieved by the inaction on the part of the Respondent Authorities in not making payment of the bills of the Petitioner. The case of the Petitioner herein is that the Petitioner is a registered Class-I Civil Contractor and registered with the Assam Public Works Department (Roads) and as such has participated in a tender process for repairs to SPT Br. No.7/1 on Dipila Balikuchi Bezera Road under ASRB for the year 2006-07. Being successful bidder, the Petitioner was issued formal work order and the tender value was quoted as Rs.5,19,461/-.

2. It is the case of the Petitioner that the Petitioner successfully executed the works and the Respondent Nos. 3 and 4 have jointly certified that the work had been executed as per specification and 100% completed by the Petitioner in all respect. The learned counsel for the Petitioner further submitted that the Petitioner has submitted a bill of an amount of Rs.5,16,646/-. However, out of the total bill amount, the Respondent Authorities has released only an amount of Rs.3,72,323/- and a balance of Rs.1,44,323/- remain unpaid to the Petitioner till date. It is under such circumstances, the Petitioner has approached this Court under Article 226 of the Constitution.

3. Mr. D. Nath, the learned Senior Government Advocate appearing on behalf of the Public Works Department submitted that as to whether the Petitioner has completed the work in terms with the work order in question is a subject matter

of verification which needs to be carried out by the Respondent Authorities and it is only on the basis of such verification, the actual entitlement of the Petitioner could be ascertained.

4. Upon hearing the learned counsels for the parties, this Court is of the opinion that the interest of justice would be met if a direction is given to the Respondent Authorities to verify as to whether the Petitioner has completed the work in accordance with the formal work order and thereupon to ascertain the exact amount to which the Petitioner is entitled to, if any.

5. It is under such circumstances, this Court therefore disposes of the instant writ petition thereby directing the Respondent Authorities more particularly the Respondent Nos. 2, 3 and 4 to verify the entitlement of the Petitioner on the basis of the tender conditions as well as the formal work order which was issued in favour of the Petitioner and as to whether the Petitioner has completed the work in question and thereupon, after verification if it is found that the Petitioner is entitled to any amount, the same should be paid to the Petitioner in terms with the judgment of the Full Bench of this Court in the case of ***Tamsher Ali and Others Vs. State of Assam and others*** reported in **2008 (4) GLT 1**. The said verification be completed within a period of 1 (one) month from the date a certified copy of the instant order is served upon the Respondent No.2.

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

JUDGE

Comparing Assistant