

GAHC010244222023



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

Case No. : WP(C)/6380/2023

SATYA NATH DAS
S/O- ANNA CHARAN DAS,
R/O- DURGA SAROBAR,
KAMAKHYA GATE ,
P.S- JALUKBARI,
P.O- BHARALUMUKH, GUWAHATI-09,
DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER AND SECRETARY, GOVT. OF ASSAM, WATER
RESOURCE DEPARTMENT DISPUR, GUWAHATI- 781006.

2:THE CHIEF ENGINEER

WATER RESOURCE DEPARTMENT CHANDMARI
GUWAHATI- 781003.

3:THE SUPERINTENDENT ENGINEER
WATER RESOURCE CIRCLE NAGAON

P.O AND DIST- NAGAON
ASSAM
PIN-782001

4:THE EXECUTIVE ENGINEER
WATER RESOURCE DIVISION
MORIGAON
P.O AND DIST- MORIGAON
ASSAM
PIN-782105

5:THE UNION OF INDIA
REP. BY THE COMMISSIONER
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCE
RIVER DEVELOPMENT AND GANGA REJUVENATION
NEW DELHI-01

6:THE BRAHMAPUTRA BOARD
ASSAM
REP. BY ITS CHAIRMAN
GUWAHATI-29

7:THE PRINCIPAL ACCOUNTANT GENERALN
(AUDIT) MAIDAMGAON
KRISHNANAGAR
BELTOLA
GUWAHATI
ASSAM
PIN-78210

Advocate for the Petitioner : MR. A I ALI

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

28.05.2024

Heard Mr. A.I. Ali, learned counsel for the petitioner and Mr. C. Sharma, learned counsel for the Water Resources Department. Mr. R.K. Talukdar, learned counsel appears for the respondent no. 7.

By filing this writ petition, the petitioner prays for direction to the respondent authorities concerned to release the outstanding balance amount of Rs. Rs. 12,53,45/-which is due to the petitioner against the 12 work orders issued to him for carrying out embankment works to prevent soil erosion.

According to the petitioner, he has completed all the works successfully and the total amount of bill comes to Rs.18,39,740/- and out of which, the petitioner has been paid a sum of Rs.5,86,285/- leaving a balance of Rs.12,53,45/-. Despite several demands made by the petitioner, the same having not been paid, the petitioner is before this Court.

Mr. A.I. Ali, learned counsel for the petitioner submits that the amount due to the petitioner being an admitted liability, Court may direct the respondents to pay the same to the petitioner within a time frame.

Mr. C. Sharma, learned counsel for the Water Resources Department on the other hand submits that the work has been executed under a scheme provided by the Ministry of Jal Shakti. Under the said scheme, the Ministry is to bear 80% of the cost and the share of the State is the remaining 20%. He submits that unless the fund is received from the Ministry and the amount claimed by the petitioner duly verified, it may not be possible to pay the petitioner the amount claimed by him.

Mr. A.I. Ali, learned counsel on the other hand in support of his submission that the respondents should be directed to release the amount due to the petitioner has relied upon a common order passed in a bunch of writ petitions by a Coordinate Bench of this Court dated 27.09.2022 and the lead case being WP(C) No. 4734/2021. The learned counsel also relies upon the order dated 29.03.2023 passed in WP(C)/1761/2023.

Having considered the materials available on record and hearing the parties, the writ petition is disposed of with a direction to the respondent no. 2, i.e., Chief Engineer, Water Resources Department, Government of Assam to verify the claim made by the petitioner within a period of 4 (four) weeks from

the date of receipt of a certified copy of this order. Upon such verification if the claim of the petitioner is found to be correct and genuine, the said authority shall process the arrangement of fund for payment to the petitioner as expeditiously as possible in terms of the judgment rendered by this Court in the case of ***Tamsher Ali vs. State of Assam*** reported in ***2008 (4) GLT 1.***

Since the work orders have been issued to the petitioner between the years 2012 and 2015 which he has claimed to have already been completed long time back, the respondents shall ensure expeditious payment of the amount due to the petitioner. If any supplementary demand is to be sought for from the Ministry of Jal Shakti, the respondent authority concerned shall do the needful as expeditiously as possible.

JUDGE

Comparing Assistant