

GAHC010261932018



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

Case No. : WP(C)/8403/2018

DHIRAJ DAIMARI
S/O- LT KANTI DAIMARI, R/O- VILL- ALIKASH AMBAGAON, P.O.
AMBAGAON AND P.S. HARISINGA, DIST- UDALGURI

VERSUS

BODOLAND TERRITORIAL COUNCIL AND 4 ORS.
REP. BY THE PRINCIPAL SECY., KOKRAJHAR, PIN- 783370

2:THE SECRETARY
KOKRAJHAR
PIN- 783370

3:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM
CHANDMARI
GHY- 3

4:ADDL. CHIEF ENGINEER-CUM-DIRECTOR

PWD
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
PIN- 783370

5:THE EXECUTIVE ENGINEER
PWD
UDALGURI RURAL ROAD DIVISION
UDALGURI
PIN- 78337

Advocate for the Petitioner : MR. S K DAS

Advocate for the Respondent : SC, BTC

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 12.02.2024

1. The instant writ petition has been filed by the petitioner being aggrieved by the inaction on the part of the respondent authorities in not making payment to the petitioner an amount of Rs.99,99,053/-. Under such circumstances, the petitioner has sought for the said amount along with the interest @ 18% per annum.

2. The record reveals that pursuant to the notice, the respondent no.5 has filed an affidavit-in-opposition wherein in paragraph no.4 it has been duly mentioned that in respect to the construction Panery College approach road in Udalguri (R&B) Division, out of the total amount of Rs.49,99,115/-, the petitioner have already been paid Rs.48,49,950/- and the remaining balance is Rs.1,49,988/-. It was also mentioned that in respect to the construction of road Kalsipar to Panery College in Udalguri (R.R.) Division, out of the total amount of Rs.49,99,115/-, the petitioner have already been paid Rs.39,99,292/- and the remaining balance is Rs.9,99,823/-.

3. Taking into account above stand, it is the opinion of this Court that as the above stand is only taken by the respondent no.5 in its affidavit, further verification would be required as regards the petitioner's entitlement. It is opinion of the Court that if the petitioner is entitled to any balance amount, the same is required to be paid. Therefore, this Court directs the Secretary, BTC,

Kokrajhar either by himself or through his delegatee verify as to whether the petitioner is entitled to any further amount in respect to the contracts in question. It is further observed and directed that on such verification if it is found that the petitioner is entitled to any amount, the same be paid to the petitioner.

4. The said exercise be completed within the period of 4(four) months from the date a certified copy of instant order is served on the Secretary, BTC, Kokrajhar.

5. This writ petition stands disposed of.

JUDGE

Comparing Assistant