

GAHC010270942023



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

Case No. : WP(C)/7028/2023

JYOTI PRASAD KALITA
S/O- LATE JITEN KALITA, R/O- VILL. AND P.O. ARJUNGURI, P.S AND DIST.
SIVASAGAR, ASSAM, PIN- 785640.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, WATER RESOURCES DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE CHIEF ENGINEER

ASSAM WATER RESOURCES DEPARTMENT
CHANDMARI
GUWAHATI-781003
DIST. KAMRUP(M)
ASSAM

4:THE EXECUTIVE ENGINEER
SIVASAGAR WATER RESOURCES DIVISION
SIVASAGAR
DIST. SIVASAGAR
ASSAM
PIN- 785640.

5:THE ASSISTANT EXECUTIVE ENGINEER

SIVASAGAR WATER RESOURCES SUB-DIVISION
SIVASAGAR
DIST. SIVASAGAR
ASSAM
PIN- 785640.

6:THE DEPUTY COMMISSIONER
SIVASAGAR
DIST. SIVASAGAR
ASSAM
PIN- 785640

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

04.03.2024

1. Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Ms. R. Deka, learned counsel for the respondent nos. 1 to 5 and Mr. S.S. Roy, learned counsel for the respondent no. 6.

2. The petitioner has claimed release of contractual dues amounting to Rs.2,99,998/- for works done by him with the Water Resources Department, pertaining to the work of "Immediate measure to Dikhow Bund Right Bank from A.T. Road to N.H, Bridge to restore breach like damages including Raising and Strengthening of Rett. Bund at Darbar Field Paccaghat of Sivasagar Town under SDRF for 2018-19 (Sub-Estimate)". The petitioner's counsel submits that though the work was completed on 11.09.2019 and the Accounts Officer and Executive Engineer, Sivasagar, Water Resource Division, have made a Liability

Statement showing that the petitioner is to receive Rs.2,99,998/- for completion of the work, no payment has been made to the petitioner till date.

3. Mr. R. Deka, learned counsel for the respondent nos. 1 to 5 submits that the work completion report has been given by the Executive Engineer, Sivsagar, Water Resources Division and that the liability statement of the petitioner shows that he is to be paid Rs.2,99,998/-. The learned counsel further submits that payment for the contract work has to be made by the respondent no. 6.

4. Mr. S.S. Roy, learned counsel for the respondent no. 6 submits that as the payment for the contract work has to be paid by the respondent no. 6, the respondent no. 6 will have to have a verification done on the petitioner's bills separately. He also submitted a letter dated 15.02.2024 issued by the Deputy Commissioner, Sivasagar showing that the Deputy Commissioner has admitted that that the petitioner is to be paid Rs.2,99,998/-. The said letter dated 15.02.2024 is made a part of the record and marked as Anenxur-X.

5. In view of the submissions made by the learned counsels for the parties, besides keeping in view the completion report and liability statement made by the Executive Engineer, Sivasagar, Water Resources Division, this Court directs the respondent no. 6 to re-verify the claim of the petitioner regarding completion of his contract work. If the verification shows that some contractual amounts are due to the petitioner for the contract work, the same should be paid to the petitioner by the respondents.

6. The verification and the payment of the admitted amount should be made

within a period of 2 (two) months, from the date of receipt of a certified copy of this order.

7. Writ petition is accordingly disposed of.

JUDGE

Comparing Assistant