

GAHC010270952023



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

Case No. : WP(C)/6989/2023

JYOTI PRASAD KALITA
S/O LATE JITEN KALITA, R/O VILL AND P.O.-ARJUNGURI, P.S.-SIVASAGAR,
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
CHANDAMRI
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

NAZIRA WATER RESOURCES SUB-DIVISION
NAZIRA
DIST-SIVASAGAR
ASSAM
PIN-785007

6:THE DEPUTY COMMISSIONER
CHARAIDEO
DIST-CHARAIDEO
ASSAM
PIN-78244

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

02-02-2024

Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Mr. R. M. Das, learned counsel for the respondent nos. 1 to 5 and Mr. K. Gogoi, learned counsel for the respondent no. 6.

The petitioner has claimed release of contractual dues amounting to Rs.9,38,110/- for works done by him with the Water Resources Department, pertaining to the work of "Immediate measure to restore the damages including road communication of Nagar Ali of river Desang near Borhat Borpathar under SDRF for 2017-18 (Sub-Estimate)". The petitioner's counsel submits that though the work was completed in the year 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.9,38,110/- for completion of the work, no payment has been made to the petitioner till date.

Mr. R. M. Das, learned counsel for the respondent nos. 1 to 5 submits that the work completion report has been given by the Executive Engineer, Sivasagar, Water

Resources Division and that the liability statement of the petitioner shows that he is to be paid Rs.9,38,110/-. The learned counsel further submits that payment for the contract work has to be made by the respondent no. 6.

Mr. K. Gogoi, 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.

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 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.

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.

Writ petition is accordingly disposed of.

JUDGE

Comparing Assistant