

GAHC010274692023



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

Case No. : WP(C)/7123/2023

BAGDEVI ENTERPRISE
A SOLE PROPRIETORSHIP FIRM, HAVING ITS REGISTERED OFFICE AT
JAYANAGAR, TRIPURA ROAD, BELTOLA, GUWAHATI-781028,
REPRESENTED BY ITS PROPRIETOR SANGEETA SARMA, 40 YEARS, W/O
BRAJEN SARMA, R/O SHANTIGRAM HOUSING COMPLEX, TRIPURA ROAD,
BELTOLA, GUWAHATI-781028

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, TRANSPORT DEPARTMENT, DISPUR, GUWAHATI, PIN-781006

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR GUWAHATI
PIN-781006

3:THE DEPUTY COMMISSIONER/DISTRICT MAGISTRATE
KAMRUP METROPOLITAN DISTRICT
GUWAHATI
PIN-781001 ASSAM

4:THE COMMISSIONER OF POLICE
GUWAHATI CITY
GUWAHATI
PIN-781008 ASSAM

5:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR GUWAHATI-781006
DIST-KAMRUP
ASSA

Advocate for the Petitioner : MR. T K MISRA

Advocate for the Respondent : SC, TRANSPORT

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 13.06.2024

Heard Mr. T. K. Mishra, learned counsel for the petitioner and Mr. S. R. Baruah, learned Government Advocate for the respondent Nos. 2, 3 & 4. Ms. M. D. Bora, learned counsel appears for the Transport Department.

2. The petitioner had prayed for a direction to release the pending bills pertaining to the hiring charges of his vehicles by the Commissioner of Police, Guwahati, amounting to Rs.29,12,746/-,. The petitioner's counsel submits that though the petitioner has submitted 12 bills in respect of the various vehicles for the total amount of Rs.29,12,746/-, the authorities have not paid the hiring charges to the petitioner till date.

3. Mr. S. R. Baruah, learned Government Advocate submits that in terms of the affidavit filed by the respondent No. 4, i.e., the Deputy Commissioner, Police (Admn), Guwahati, the records pertaining to the bills of the petitioner were verified and the claim of the petitioner was found to be in order. Further, the dues payable to the petitioner amounting to Rs.29,12,746/- has been forwarded in two proposals to the Assam Police Head Quarter, Guwahati, i.e. the sanctioning authority, to accord sanction for making payment to the petitioner. Once the fund is received from the office of the Director General of Police,

Assam, necessary steps will be taken to disburse the same to the petitioner.

4. On perusing the affidavit of the respondent No. 4, this Court finds that the State respondents have admitted to the fact that they owe Rs. 29,12,746/- to the petitioner, as hiring charges for his vehicles.

5. In terms of the judgment of the Full Bench of this Court in the case of ***Tamsher Ali vs. State of Assam and others***, reported ***in 2008 (4) GLT 1***, the head of the Department has to verify the amount claimed.

6. As such, the Director General of Police, Assam is directed to re-verify the claim of the petitioner, which has been admitted by the respondent No. 4. Thereafter, the funds should be made available by the respondents and the admitted amount be paid to the petitioner. The entire exercise should be concluded within a period of four months from the date of receipt of a certified copy of this order.

7. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant