

GAHC010278612023



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

Case No. : WP(C)/7217/2023

M/S BIPUL SARMA
HAVING ITS REGISTERED OFFICE AT ASTHA TOWER, C.K.ROAD,
PANBAZAR, GUWAHATI- 781001, ASSAM, REPRESENTED BY ITS
PROPRIETOR SRI BIPUL SARMA (AGED 50 YEARS), SON OF LATE
K.K.SARMA, RESIDENT OF ASTHA TOWER, C.K.ROAD, PANBAZAR,
GUWAHATI- 781001, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI-
781006, DISTRICT- KAMRUP, ASSAM

2:THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI- 781007
DISTRICT- KAMRUP
ASSAM

3:THE COMMISSIONER OF POLICE
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI- 781007
DISTRICT- KAMRUP
ASSAM

4:THE INSPECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI- 781007

DISTRICT- KAMRUP
ASSAM

5:THE ASSISTANT INSPECTOR GENERAL OF POLICE (ADMIN)
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI- 781007
DISTRICT- KAMRUP
ASSAM

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

Advocate for the Petitioner : MR. T K MISRA

Advocate for the Respondent : SR. GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

31.05.2024

Heard Mr. T.K. Misra, learned counsel for the petitioner. Also heard Mr. M. Chetia, learned counsel for the respondent Nos. 1-5 and Mr. A. Chaliha, learned counsel for the respondent No.6.

2. The petitioner has prayed for payment of his contractual dues amounting to Rs.63,80,648/-, for having done various contractual works in the Assam Police Headquarters.

3. Mr. M. Chetia, learned counsel for the respondent Nos. 1-5 submits that in terms of Para 3 of the affidavit-in-opposition filed by the respondent No.3, who

is the Deputy Commissioner of Police (Administration), Guwahati, Rs.11,75,359/- has been paid to the petitioner. With respect to Rs.18,43,646/-, financial sanction has been received from the sanctioning authority, i.e., the Director General of Police, Assam. Thus, once the fund is allotted against the financial sanction of Rs.8,43,646/-, the amount will be paid to the petitioner. In respect of the remaining amount of Rs.33,61,643/-, the proposal for payment of the same has been forwarded to the sanctioning authority, i.e., the Director General of Police, Assam. Once sanction is accorded and allotment of fund is made, the said amount of Rs.33,61,643/- shall be paid to the petitioner.

4. Mr. A. Chaliha, learned counsel for the Finance Department submits that as and when a proposal is made for giving ceiling approval for the sanctioned amount, the Finance Department will accord sanction.

5. A perusal of Para 3 of the affidavit-in-opposition filed by the respondent No.3 shows that the respondents have admitted that the petitioner was liable to be paid Rs.63,80,648/-. However, as Rs.11,75,359/- has already been paid to the petitioner, the balance amount of Rs.52,05,289/- is still to be paid to the petitioner. Para 3 of the affidavit-in-opposition filed by the respondent No.3 is reproduced hereinbelow as follows-

“3. That the brief facts of the case is that the petitioner has claimed an amount of Rs. 63,80,648/- as outstanding payable on account of supply of the Motor Spares Parts to the Govt. vehicles of the Police Commissionerate, Guwahati.

Considering the order dated 11/03/2024 passed by this Hon'ble Court, the answering deponent has examined the relevant records and as per records, the following facts emerged regarding the outstanding claim of the petitioner on account of supply of Motor Spares Parts to the Govt. vehicle of the Police Commissionerate, Guwahati. The claim made by the petitioner in the instant

Writ Petition is a fact. The present status is as follows:

That out of the claimed amount, an amount of Rs. 11,75,359/- had already been paid to the petitioner from the Assam Police Headquarters, Ulubari, Guwahati vide No. FOC/KAM/ POL/001/2023/13622 dated 12/03/2024.

It further reveals from the records that Financial Sanction have been received from the Assam Police Headquarters vide Sanction Nos:

- (i) FS/POL-2023-24(1)-5028 dated 05/03/2024 for an amount of Rs. 3,37,627/-,*
- (ii) FS/POL-2023-24(1)-5039 dated 05/03/2023 for an amount of Rs. 2,88,670/-*
- (iii) FS/POL-2023-24(1)-5030 dated 05/03/2023 for an amount of Rs. 3,16,390/-.*
- (iv) FS/POL-2023-24(1)-5040 dated 05/03/2023 for an amount of Rs. 3,14,329/-*
- (v) FS/POL-2023-24(1)-5037 dated 05/03/2023 for an amount of Rs. 2,52,920/-.*
- (vi) FS/POL-2023-24(1)-5029 dated 05/03/2023 for an amount of Rs.3,33,710/-*

Thereby, 6 Nos. of Financial Sanction amounting to Rs. 18,43,646/- have been received from the Sanctioning Authority i.e the Director General of Police, Assam, Ulubari, Guwahati. It is also stated that once the allotment of fund against the Financial Sanction is received from the Authority, the amount will be paid to the petitioner.

That apart the records further reveal that the following proposals have already been forwarded to the authority vide Nos:-

- (i) ECP/Accts/Contg/MV-(BS)/2048 dated 09.05.2023 for an amount of Rs. 2,36,709/-*
- (ii) ECP/Accts/Contg/MV-(BS)/1195 dated 26.02.2024 for an amount of Rs. 2,33,446/-*

(iii) ECP/Accts/Contg/MV-(BS)/1199 dated 26.02.2024 for an amount of Rs. 3,55,090/-

(iv) ECP/Accts/Contg/MV-(BS)/1200 dated 26.02.2024 for an amount of Rs. 2,83,422/-

(v) ECP/Accts/Contg/MV-(BS)/1202 dated 26.02.2024 for an amount of Rs. 2,89,839/-

(vi) ECP/Accts/Contg/MV-(BS)/1809 dated 01.04.2024 for an amount of Rs. 2,97,323/-

(vii) ECP/Accts/Contg/MV-(BS)/1810 dated 01.04.2024 for an amount of Rs. 2,77,565/-

(viii) ECP/Accts/Contg/MV-(BS)/1811 dated 01.04.2024 for an amount of Rs. 2,71,261/-

(ix) ECP/Accts/Contg/MV-(BS)/1812 dated 01.04.2024 for an amount of Rs. 2,71,230/-

(x) ECP/Accts/Contg/MV-(BS)/1813 dated 01.04.2024 for an amount of Rs. 2,79,085/-

(xi) ECP/Accts/Contg/MV-(BS)/1814 dated 01.04.2024 for an amount of Rs. 2,87,340/-

(xii) ECP/Accts/Contg/MV-(BS)/1815 dated 01.04.2024 for an amount of Rs. 2,79,333/-

Thereby, the above proposals containing an amount of Rs. 33,61,643/- have already been forwarded to the sanctioning authority to accord sanction and allotment of the fund."

6. In view of the above admission made by the State respondents that the petitioner is liable to be paid Rs.52,05,289/-, the respondents shall pay the said amount to the petitioner within a period of 3(three) months from the date of

receipt of a certified copy of this order.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant