

GAHC010284002023



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

Case No. : WP(C)/7381/2023

M/S ARUN TRAVELS
HAVING ITS OFFICE AT HENGRABARI, GUWAHATI-781006, ASSAM,
REPRESENTED BY ITS PROPRIETOR SWAPNA BARMAN (AGED ABOUT 34
YEARS), D/O SRI DHARANI BARMAN, R/O HOUSE NO. 17, WARD NO 51,
HENGRABARI ROAD, GUWAHATI-781006, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE DIRECTOR OF HEALTH SERVICES (FW)
KAMRUP (METRO)
HENGRABARI
GUWAHATI-781036

3:THE JOINT DIRECTOR OF HEALTH SERVICES
KAMRUP (METRO)
DISPUR
GUWAHATI-781006

4:THE DISTRICT IMMUNIZATION OFFICER
KAMRUP (METRO)
GUWAHATI-781003
DIST-KAMRUP
ASSAM

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

DIST- KAMRUP
ASSAM

6:THE DEPUTY COMMISSIONER
KAMRUP METROPOLITAN DISTRICT
GUWAHATI
PIN-781001
ASSA

Advocate for the Petitioner : MR. T K MISRA, MR. A. GAYAN,DIPTI CHAKRAVARTY,MR. P K MUNIR

Advocate for the Respondent : SC, HEALTH, GA, ASSAM,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 16.09.2024

Heard Mr. T. K. Misra, learned counsel for the petitioner and Mrs. S. Sarma, learned counsel for the Health Department. Also heard Mrs. U. Das, learned counsel for the respondent Nos. 4 & 6 and Ms. R. M. Baruah, learned counsel for the respondent No. 5.

2. The petitioner's counsel submits that the petitioner firm had been provided vehicles to the Kamrup Metropolitan District Administration for the use of the Health Department for vaccination purposes during the Covid pandemic.

3. The grievance of the petitioner firm is that the petitioner has not been paid hiring charges of the vehicles amounting to Rs. 11,17,243/-.

4. Ms. U. Das, learned counsel for the respondent Nos. 4 & 6 submits that the authorities have not yet released the outstanding dues of the petitioner, though

the dues have been duly verified by the authority. However, the fund requirement for payment of the said hiring charges is to be provided by the Director of Health Service (FW), Kamrup (M) and the Joint Director of Health Services, Kamrup (M), i.e. respondent Nos. 2 & 3. She submits that the fund requirement for payment of the dues of the petitioner was submitted by the District Immunization Officer, Kamrup (M), Assam to the Director of Health Services (FW), vide letter No. Addl.CMNHO.EM.Estt./11 dated 22.03.2023. Ms. U. Das submits that the payment for the hiring charges will have to be paid by the respondent Nos. 2 & 3 to the petitioner, through the District Administration.

5. Ms. S. Sarma, learned counsel for the respondent Nos. 1, 2 & 3 submits that the bills of the petitioner have been verified and the petitioner is liable to be paid Rs. 11,17,243/-.

6. In view of the above, this Court is of the view that as the bills of the petitioner have been verified and as the petitioner is liable to be paid Rs. 11,17,243/-, the respondent Nos. 1, 2, 3 & 5 are directed to place the required amount before the respondent Nos. 4 & 6 and pay the said amount to the petitioner. The entire exercise should be concluded within a period of 3 (three) months from the date of receipt of a certified copy of this order.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant