

GAHC010296922019



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

Case No. : WP(C)/8970/2019

HIRON BEZBARUAH
S/O. LT. GHANASHYAM BEZBARUAH, R/O. WARD NO.10, BHEBARGHAT,
MANGOLDOI TOWN, P.O. AND P.S. MANGOLDOI, DIST. DARRANG, ASSAM,
PIN-784125.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, IRRIGATION
DEPTT., DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-781006.

3:THE SECRETARY TO THE GOVT. OF ASSAM

IRRIGATION DEPTT.
DISPUR
GUWAHATI-781006.

4:THE CHIEF ENGINEER

IRRIGATION DEPTT.
CHANDMARI
GUWAHATI-781003.

5:THE EXECUTIVE ENGINEER

MANGALDOI DIVISION (IRRIGATION)
DIST. DARRANG
ASSAM
PIN-784125.

6:THE SUPERINTENDING ENGINEER

MANGALDOI CIRCLE (IRRIGATION)
MANGALDOI
DIST. DARRANG
ASSAM
PIN-784125

Advocate for the Petitioner : MR. M BHAGABATI

Advocate for the Respondent : SC, IRRIGATION

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

06.03.2024

1. Heard Mr. M. Bhagabati, learned counsel for the petitioner as well as Mr. N. Upadhyay, learned counsel for all the respondents.
2. The petitioner herein has prayed for release of his outstanding bills amounting to Rs.19,53,209/- for various works undertaken by him under the Irrigation Department, Government of Assam.
3. Mr. N. Upadhyay, learned counsel for the respondents has submitted a Letter No.A/72/Pt-III/2023/845 dated 18.08.2023 along with the Annexure issued by the respondent No. 5 and the para wise comments in respect of the

present case, which shows that the respondents have admitted that there is an outstanding liability of Rs.16,27,019/-payable to the petitioner.

4. Mr. M. Bhagabati, learned counsel for the petitioner submits that the admitted amount may be directed to be given to the petitioner and the petitioner will take recourse to other alternative remedies for recovery of the other amounts.

5. I have heard the learned counsels for the parties.

6. The letter dated 18.08.2023, which has been issued by the respondent No. 5 is made a part of the record and marked as Annexure-X.

7. A perusal of the letter dated 18.08.2023 and it's annexure shows that the respondent No.5 has admitted that the petitioner is to be given his outstanding liability of Rs.16,27,019/-. In view of there being an admission of the contractual amount payable to the petitioner, this Court is of the view that the writ petition can be disposed of, with a direction to the respondents to consider the case of the petitioner for payment of his dues.

8. Accordingly, in terms of the judgment passed by 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 respondent No. 4 is directed to verify the outstanding liability payable to the petitioner and on certification of the admitted amount, the admitted amount should be paid by the respondents. The entire exercise should be concluded within a period of 4(four) months from the date of receipt of a certified copy of this order. With respect to the amounts not admitted by the respondents, the petitioner is given the liberty to avail of the other

alternative remedies available, if so advised.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant