

GAHC030004932024



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

Case No. : I.A.(Civil)/124/2024

Sh. Zothangluanga
R/o Luangmual, Aizawl, Mizoram (Class-II Registered Contractor under Reg. No.
109/CE-R/II/2014)

VERSUS

The State of Mizoram r/b the Chief Secretary to the Govt. of Mizoram and 4 Ors.
Aizawl, Mizoram

Advocate for the Petitioner : Mr C Lalramzauva Sr. Adv.

Advocate for the Respondent : Addl. AG/GA, Mizoram

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO

19.09.2024

Heard Mr. C Lalramzauva, learned Senior Counsel assisted by Mr. J Malsawmzuala Vanchhawng for the applicant and also Ms. Lalnunhlui, learned Government Advocate appearing for the State respondents.

[2] By filing this application, the applicant/writ petitioner seek for a direction to the respondent authorities concerned to release the payment of the pending

bill amount of Rs. 125.90 lakhs to the applicant for having completed the portion of the work allotted to him i.e. construction of playground at Tuipuibari, Tuirum, Dapchhuah, New Mamit and Rajiv Nagar-I.

[3] The learned Senior Counsel submits that the petitioner for having completed about 50% of the work originally allotted to him submitted his Running Account Bill (RA bill) before the respondent authorities concerned and following the same, the Engineer-in-Chief, PWD, Mizoram on 13.06.2024 issued a Bank Authorization for SASCI for an amount of Rs. 215.4 lakhs and out of which, the pending bills of the petitioner i.e. Rs. 125.90 lakhs is also included. However, in view of the pendency of the connected writ petition, the learned Senior Counsel submits that the respondent authorities are reluctant to release the said amount to the applicant. He, therefore, submits that the respondents may be directed to release the amount pending final disposal of writ petition since the amount is for the work already executed and satisfactorily completed by the applicant. He also submits that releasing of the said amount will not be an impediment for considering the issue projected in the connected writ petition.

[4] Ms. Lalnunhlui, learned Government Advocate on the other hand submits that as per the instructions received by her, the applicant has not submitted his

RA bills and she also submits that pending further instructions from the respondents, she may be given some more time to respond to the Interlocutory Application.

[5] It may be noted herein that challenge made in the writ petition by the applicant is the split of the work allotted to him and thereby, reducing the same to about 34.78% from the original value of work. According to the petitioner, as per the revised estimate made vide Order dated 27.03.2024, the work value of the work to be executed by the petitioner has been scaled down to Rs. 80 lakhs only but however, the petitioner has been allowed to proceed with the work beyond Rs. 80 lakhs and that the applicant has executed works up to the value of Rs. 125.90 lakhs. Such being the position, the petitioner has sought for release of the said amount. The Bank Authorization for SASCI dated 13.06.2024 issued by the Engineer-in-Chief, PWD, Mizoram has also been annexed by the applicant in the application as Annexure-I, wherein authorization has been given for drawal of Rs. 215.4 lakhs which includes the pending bill worth Rs. 125.90 lakhs of the applicant. Such being the case, this Court finds no impediment in directing the respondent authorities to release the amount due to the applicant.

[6] The application is therefore disposed of by directing the applicant to submit his RA bill before the Senior Executive Engineer, PWD Project Division-II,

Aizawl if not yet submitted within a period of 10 days from today. Upon receipt of the RA bill, the respondent authorities will be at liberty to verify the same as per the records to ascertain whether the works have been actually completed or not. Such verification should be done within 3 (three) weeks of receipt of RA bill or if already submitted within 3 (three) weeks from receipt of a certified copy of this Order. Upon such verification if the bills are found to be correct and the work executed, the amount due to the applicant shall be released within a week from the completion of the said verification.

[7] I.A stands disposed of.

JUDGE

Comparing Assistant