GAHC040021042025

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

**Case No. : WP(C)/606/2025**

Ratan Debnath
Son of Late Nagendra Debnath, prop of M/s BMT Enterprises and M/s RD Enterprises, residential Address Polo Filed Margherita, PO and PS Margherita, Tinsukia District, Assam.

VERSUS

The State of AP and 3 Ors
represented by the Commissioner, Public Works Department, Govt of Arunachal Pradesh, Itanagar 791111 2:The Chief Engineer (EZ)
Age: 0
Occupation :
Public Works Department
Miao
Govt of Arunachal Pradesh
Itanagar 791111

3:The Superintending Engineer
Age: 0
Occupation :
Jairampur Circle
PWD
Govt of Arunachal Pradesh.

4:The Executive Engineer
Age: 0
Occupation :
Changlang PWD Division
Govt of Arunachal Pradesh

**Advocate for the Petitioner** : Tabit Tapak, Bebeng Siboh,Y Pangu,Aso Dalbong,T Tabing

**Advocate for the Respondent** : GA (AP),

**BEFORE**
**HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date :** ***05.08.2026***

Heard Mr. T. Tapak, learned counsel for the petitioner. Also heard Ms. K. Wangmo, learned Junior Government Advocate for the State respondents.

**2.** The petitioner, in the present writ petition, has prayed for a direction upon the respondent authorities for authorising to him his admitted contractual dues amounting to Rs.28,44,478/- (Rupees Twenty-Eight Lakh Forty-Four Thousand Four Hundred and Seventy-Eight only).

**3.** The petitioner was assigned the work of maintenance of vehicles by the respondent authorities. The petitioner projects that he had successfully executed the works assigned to him and had raised bills over the period of time, totalling an amount of Rs.28,44,478/-. The petitioner further projects that, despite repeatedly approaching the respondent authorities, the respondents, although had admitted the said dues to be receivable by him, had not released the amount involved. Accordingly, the petitioner has instituted the present writ petition.

**4.** Mr. Tapak, learned counsel for the petitioner, reiterating the facts noticed hereinabove, has submitted that the amount involved is an admitted amount and, therefore, the respondents are required to be directed to release the same to the petitioner, along with interest as may be determined by this Court, from the date the said amount became due for payment.

**5.** Ms. Wangmo, learned Junior Government Advocate, by referring to the

affidavit filed in the matter, has submitted that the respondents have admitted the claim made by the petitioner. She submits that an amount of Rs.28,44,478/- is due to the petitioner and that the works, for which the bills were raised, were successfully completed by the petitioner. However, she submits that the amount could not be released to the petitioner only on account of scarcity of funds and assures this Court that the amount would be released as soon as the requisite allocation is received from the Government.

**6.** I have heard the learned counsel for the parties and perused the materials available brought on record.

**7.** The petitioner has claimed that an amount of Rs.28,44,478/- is receivable by him from the respondent authorities. This Court finds that the respondents, more particularly respondents No. 3 and 4, by way of an affidavit filed in the matter, have admitted the claim made by the petitioner. They have also admitted that the petitioner had completed the work in question. However, what was projected is that the admitted amount was being withheld only on account of a lack of funds.

**8.** The said contention of the respondents does not appeal to this Court. It is a settled position of law that, in the event the contractual dues claimed by the petitioner are admitted by the respondent authorities, the same cannot be indefinitely withheld on the ground that the funds are not available.

**9.** In view of the above discussions and the contractual dues of the petitioner being admitted by the respondents, this Court directs the respondents to release to the petitioner his admitted contractual dues of Rs.28,44,478/- (Rupees Twenty-Eight Lakh Forty-Four Thousand Four Hundred and Seventy-Eight only), within a period of 4 (four) months from the date of receipt of a certified copy of

this order. In the event the amount is not released within the said period of four months, from the date of receipt of a certified copy of this order, with effect from the expiry of the said period of 4 (four) months, the said amount shall carry interest at the rate of 6% per annum till the date of actual payment.

**10.** The writ petition stands disposed of, in terms above.

**JUDGE**

**Comparing Assistant**