GAHC010201702019

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

Case No. : WP(C)/6248/2019

KALPA BORA
S/O. LT. DEBEN BORA, R/O. NORTH HAIBORGAON, M.B. ROAD, P.S. NAGAON SADAR, DIST. NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, WATER RESOURCES DEPTT., DISPUR, GUWAHATI-06, ASSAM.

2:THE CHIEF ENGINEER

3:THE SUPERINTENDING ENGINEER

4:THE EXECUTIVE ENGINEE

Advocate for the Petitioner : MR. N D BHUYAN

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 23-11-2020

Heard Mr. P. K. Mazumdar, learned counsel for the petitioner. Also heard Mr. P. Kakati, learned counsel for the Water Resources Department.

This writ petition has been filed by the petitioner alleging non-payment of bills raised by him in respect of contract works executed. The learned counsel for the petitioner submits

that vide work orders issued by the respondent Department, the petitioner was awarded several contract works. He successfully executed those works and accordingly raised bills for the works executed. Referring to the liability statement prepared by the Executive Engineer, Nagaon Water Resources Division, Nagaon, the learned counsel for the petitioner submits that although the amounts due to the petitioner in respect of the works executed were duly certified and admitted to by the Department, the bills raised by the petitioner for the works executed have not been paid till date. It is the case of the petitioner that he had represented before the Department for release of the bills but the same has remained unattended to.

Having no other option, he applied under RTI seeking the liability statement and photocopies of the bills and the same were replied to by the State Public Information Officer-cum-Assistant Executive Engineer, Nagaon Water Resources Division, Nagaon. In the said reply, the liability statement prepared by the Executive Engineer, Nagaon Water Resources Division, Nagaon reflected the liability of the Department in respect of the petitioner's bills amounting to a total Rs.8,40,501/- (Rupees Eight Lakh Forty thousand Five Hundred One).

The learned counsel for the petitioner submits that in view of the undisputed admission by the Department that the petitioner has executed the works and that there is indeed liability of the Department in respect of the petitioner, the amount sought for by the petitioner from the Department be directed to be released forthwith.

Mr. P. Kakati, learned counsel appearing on behalf of Water Resources Department submits that he has not received any instructions from the Department, however, it is agreed at the bar that the matter can be disposed of in terms of the judgment rendered by this Court in the case of *Tamsher Ali and Ors. –Vs- State of Assam and Ors.)* reported in *2008 (4) GLT 1*.

In view of the submissions of the learned counsel for the parties, this writ petition is disposed of at the admission stage directing the respondents to examine the claim of the petitioner in respect of the amounts reflected in the liability statement (Annexure-3 page 30-31).

The Department will examine the claims for the petitioner and, if found, admissible in law the same will be released. The matter shall be examined by the Department within 30(thirty) days from the date of receipt of the certified copy of the order and if the claims are

found to be payable as per the provisions of law, the respondent authorities will process the claims of the petitioner in the light of the directions contained in the judgment of *Tamsher Ali (supra).*

The petitioner is permitted to serve a copy of this order on the the Chief Engineer, Water Resources Department, Chandmari, Guwahati-3, Assam (respondent No. 2).

The writ petition, accordingly, stands disposed of.

JUDGE

Comparing Assistant