

GAHC020007612023

undefined



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

Case No. : WP(C)/337/2023

SHRI. MONGSHATHE Y. THONGER
LEGAL REPRESENTATIVE/POWER OF ATTORNEY HOLDER
M/S HONGKAM CONSTRUCTION
R/O JAIL COLONY
KIPHIRE TOWN
KIPHIRE NAGALAND

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF NAGALAND
DEPT. OF TOURISM
NAGALAND KOHIMA

2:THE FINANCE COMMISSIONER
GOVT. OF NAGALAND
NAGALAND KOHIMA

3:THE DIRECTOR
DIRECTORATE OF TOURISM
NAGALAND KOHIMA

4:THE EXECUTIVE ENGINEER
DIRECTORATE OF TOURISM
NAGALAND KOHIMA

5:THE UNION OF INDIA
REPRESENTED BY THE DIRECTOR GENERAL
GOVT. OF INDIA
MINISTRY OF TOURISM

NEW DELHI

6:TETHUTU VILLAGE COUNCIL
REPRESENTED BY SHRI JURINGMONG
CHAIRMAN- TETHUYU VILLAGE COUNCIL
KIPHIRE NAGALAN

For the Petitioner(s) : Mr. Yeka Sumi, Advocate
For the Respondent(s) : Mr. V. Zhimomi, Government Advocate
: Mr. Yanger Wati, CGSC

Date of Hearing : 27.08.2025

Date of Judgment : 27.08.2025

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

JUDGMENT AND ORDER (ORAL)

Heard Mr. Yeka Sumi, the learned counsel appearing on behalf of the Petitioner and Mr. V. Zhimomi, the learned Government Advocate appearing on behalf of the Respondent Nos. 1 to 4. I have also heard Mr. Yanger Wati, the learned CGSC appearing on behalf of the Respondent No.5.

2. The Petitioner herein has approached this Court for release of the pending bill amounting to Rs.17,54,620/- along with interest @16% per annum.

3. It is the case of the Petitioner that the work order dated 17.01.2015 was issued to a firm in the name and style of M/s

Hongkam Construction for an amount of Rs.21,00,000/- for "Development of Tourist Circuit at Dzu-Chakhabama Kekruma-Longmatra-Likhimro in Nagaland for construction of wayside amenity at Zungaki River Bank".

4. It is the case of the Petitioner that the work commenced on 26.06.2015 and was completed on 20.09.2015. It is the further case of the Petitioner that the proprietor of M/s Hongkam Construction had authorized the Petitioner by way of a Power of Attorney to undertake the full responsibility for work execution, bill receipt and payment etc. It is the further case of the Petitioner that only an amount of Rs.3,45,380/- has been received and the remaining amount of Rs.17,54,620/- remained pending. Eight years thereafter, on 26.05.2023, the Petitioner submitted a representation requesting for issuance of completion certificate and release of the pending bills at the earliest with an interest @16% per annum. Thereupon, the Petitioner issued a Legal Notice on 28.06.2023 however, having not received any favourable response, the Petitioner has filed the present writ petition.

5. It is seen that the Respondent Nos. 1 to 4 have filed an affidavit-in-opposition on 13.05.2025 stating inter alia that the work order dated 17.01.2015 was awarded to M/s Hongkam Construction out of different work components sanctioned by the Ministry of Tourism, Government of India under the Product Infrastructure Development of Tourism Destinations and Circuits. It was specifically denied that the

work commenced on 26.06.2015 and completed on 20.09.2015. It was further mentioned that the question of permitting the Petitioner to work on the basis of a Power of Attorney did not arise and in fact, M/s Hongkam Construction have violated the terms and conditions of the work order if such steps were taken by the said firm. It was further mentioned that an amount of Rs.3,45,380/- was released for the partial work executed.

6. The Petitioner submitted an affidavit-in-reply contesting the allegations in the affidavit-in-opposition of the Respondent Nos. 1 to 4.

7. From a perusal of the said stands so taken by the respective parties in their pleadings, it appears that the entitlement of the Petitioner have been disputed and it is the opinion of this Court, that such disputed questions of facts can only be adjudicated in a forum where evidence can be led. Additionally, it is the opinion of this Court that the materials on record do not suggest that the Petitioner had been diligent in pursuing his remedies inasmuch as, a claim of 2015 is sought to be agitated in the year 2023.

8. Considering the above, this Court is not inclined to entertain the instant writ petition for which the instant writ petition stands dismissed.

9. Be that as it may, the Petitioner herein is given the liberty to invoke appropriate remedies, if so advised before the appropriate

forum wherein evidence can be led and the disputed questions of facts can be adjudicated subject to being permissible under law.

10. It is observed that if the Petitioner duly approaches the appropriate forum, the period during which the instant proceedings have been pending i.e. from 14.12.2023 till date be excluded while computing the period of limitation.

JUDGE

Comparing Assistant