GAHC040006602026

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

Case No. : WP(C)/207/2026

M/s Bhimji Velji Sorathia Construction Pvt Ltd and Anr
Plot No. 112-113, Arbuda Nagar, Opposite PITMANS, Tagore Road, Gujarat,
represented by its Director Shri Ramehs Bhimji Hadiya, resident of Plot No.112,
Arbuda Nagar Adipur, Kutch, Gujarat 370205 2: Tai Tajik
Age:
Occupation :
General Manager (Contract)
Son of Late Tai Taa
PO and PS Sangram
Kurung Kumey District
Arunachal Pradesh
authorized signatory of M/s Velji Sorathia Construction Pvt Ltd

VERSUS

The State of AP and 4 Ors
represented by Commissioner and Secretary (PWD), Govt of Arunachal Pradesh ,
Itanagar. 2:The Chief Engineer (WZ)
Age: 0
Occupation :
PWD
Govt of Arunachal Pradesh
Itanagar.

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

4:The Executive Engineer

Age: 0
Occupation :
Doimukh Division
PWD
Govt of Arunachal Pradesh Papum Pare District.

5:The Assistant Engineer
Age: 0
Occupation :
Balijan Sub Division
PWD
Govt of Arunachal Pradesh
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : T T Tara, Sr. Adv, Terji Kamchi,Pondit Ronya,Kirmani Lollen,Khoda Apa,Taba Tokur,Gamken Bam,S Dutta,Sishir Dutta

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

08.10.2026

Heard Mr. S. Dutta, learned Senior Counsel assisted by Mr. G. Bam, learned counsel for the petitioners and Mr. S. Tapin, learned Senior Government Advocate appearing for the State respondents.

2. The petitioner No. 1 is a construction company under the name and style of M/s Bhimji Velji Sorathia Construction Pvt. Ltd with its office at Barbuda Nagar Adipur, Plot No. 112-113, Kutch in the State of Gujurat. The petitioner No. 2 is the General Manager.

3. The case of the petitioner is that they were awarded a tender work for execution of "Widening and Strengthening of Itanagar-Jote Road-20 KM" at the cost of **Rs.69,55,30,570.69**/-. During the

execution of the said project, it was observed that 6 (six) existing steel bridges along with road were in a bad and dilapidated condition and required urgent reconstruction. The local MLA, therefore entrusted the Advisor (PWD) (WZ) to explore feasibility of engaging the petitioners to undertake the construction of the 6 (six) bridges as an extended agreement of the Widening and Strengthening of Itanagar-Jote Road.

4. After due process, the Government of Arunachal Pradesh have accorded an administrative approval and expenditure sanction of **Rs.8050** Lakhs as estimated cost for the construction of 6 (six) numbers of double lane bridges and ancillary works. The technical sanction was also accorded vide O.M. dated 25.03.2025 and although, there are 6 (six) bridges that was required to be constructed but in the present proceeding, we are concerned only to 2 (two) bridges, namely, the bridge over Dokoso and Gera river. According to the petitioner's, construction of 2 (two) bridges have already been completed during the financial year 2024-25 along with other ancillary works and the total bill comes to a sum of **Rs.19,62,27,151**/-. The petitioners, therefore, presented their 2 (two) bills amounting to ***Rs.10,92,27,151***/- dated 22.04.2025 & 10.10.2025. Apart from the said amount, the petitioners also claimed an amount of Rs.**2,39,71,025.60/-,** which is towards the Sub-Soil Investigation, Design and Drawing Vetting from IIT, Guwahati, De-launching & Dismantling etc. Despite the claim of the petitioners since the amount incurred by them have not been released,

therefore, the petitioners are before this Court.

5. The respondents have filed their counter affidavits, wherein, it is admitted that the petitioners have indeed executed the construction of the 2 (two) bridges and that an amount of **Rs.870** Crores that was allocated has been released during the financial year 2024-25 to the petitioners for the executed works. At the same time, it is the stand of the respondents that payment of balance amount towards Sub-Soil Investigation, Design and Drawing etc. could not be done due to unavailability of sanction fund under the works "Construction of 6 (six) nos. of double lane bridges and ancillary works on Itanagar-Jote Road under CMCSRDP-II". The respondents have also admitted that the Sub-Soil Investigation, Design and Drawing etc. are in fact in the integral part of the overall project which has been undertaken by the petitioners.

6. The learned Senior Counsel Mr. S. Dutta has submitted that from the materials available on record and the pleadings as well, it can clearly be seen that the petitioners had indeed executed and completed the construction of 2 (two) bridges in question and the respondents have also admitted to those facts. He also submits that payment of **Rs.870** Crores out of the estimated cost of **Rs.17.23** Crores has also been admitted by the respondents which can be seen from the communication dated 17.03.2026 written by the Executive Engineer, Doimukh Division, PWD (respondent No. 4) to the Chief Engineer, Western Zone, PWD (respondent No. 2). He, therefore, submits that the petitioner may be given liberty to

calculate the balance amount along with interest under the Micro, Small and Medium Enterprises Development Act, 2006 (for short, 'MSME Act') payable and thereafter, to submit the same to the respondent No. 4 for further necessary action and payment of the same. He submits that such interest for the late payment is admissible under the MSME Act and in this connection, he refers to a decision of a coordinate bench of this Court in the case of ***Garg Poly Industries & Ors***-vs-***State of Assam & Ors***. reported in ***2026 (1) GLT 1***.

7. Mr. S. Tapin, learned Senior Government Advocate also submits that he has no objection, if the matter is remanded back to the appropriate authority for consideration of the claim of the petitioners.

8. From the above projections and overall considerations, it can be noticed that the respondent authorities have admitted that the petitioners have indeed executed the works and completed the same but the only issue now which is to be considered is with regard to the amount payable with interest as permissible under the MSME Act.

9. In that view of the matter, the writ petition is disposed of by giving liberty to the petitioners to submit the revised bills along with the interest claimed to the respondent No. 4 within a period of 1 (one) months from today. Thereafter, respondent No. 4 upon receipt of the same shall examine and verify the same and shall

pass a reasoned order to the claim of the petitioners within a period of 1 (one) month from the date of receipt of the revised bill. It is also made clear that in the bill to be prepared by the petitioners, the amount which has already been paid to the petitioners will have to be deducted.

JUDGE

CHECKED & VERIFIED

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