GAHC010149252019

2026:GAU-AS:16050

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

Case No. : WP(C)/4741/2019

M/S. S.K.CONSTRUCTION
REP. BY THE PETITIONER NAMELY SURUJ ALI, S/O- HAJI INSAN ALI, R/O- BORHOLA, P.O- JUGIJAN, P.S- JUGIJAN BAZAR, DIST- NAGAON, ASSAM, PIN- 782429

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECRETARY TO THE GOVT OF INDIA, MIN OF ROAD TRANSPORT , NHAI, NEW DELHI- 01

2:M/S VNR INFRASTRUCTURE LIMITED (IN LIQUIDATION)
2ND FLOOR
H NO. 3-11-494
PLOT NO. 13 AND 20
RAJIV GANDHI NAGAR
INNER RING ROAD
L B NAGAR
HYDERABAD 500074
TELANGANA
INDIA

3:THE PROJECT DIRECTOR
NHAI
PIU NAGAON
PANIGAON CHARIALI
OPP ITI
ITI ROAD
PIN- 782003
NAGAON
ASSAM

4:THE GENERAL MANAGER/CON
MALIGAON
GUWAHATI- 11

5:THE DEPUTY CHIEF ENGINEER/CON/W
N F RAILWAY
MALIGAON
GUWAHATI- 11

6:PROJECT MANAGE

For the Petitioner(s) : None appears

For the Respondent(s) : Mr. B. Sarmah, CGC
Mr. C. Baruah, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 02.11.2026

None appears on behalf of the petitioner on call.

2. Mr. B. Sarmah, the learned CGC appears on behalf of the respondent No. 1 and Mr. C. Baruah, the learned Standing Counsel appears on behalf of the NHAI.

3. It is seen that in spite of the direction issued by the Lawazima Court to effect service upon the respondent No. 6, no steps have been taken.

4. Be that as it may, this Court finds it relevant to take note of the facts leading to the filing of the instant writ petition.

5. The petitioner claims that a sub-contract was awarded to the petitioner by the respondent No. 2 on 04.01.2016 for "Construction of foundation and sub-structure over pile foundation for major bridges No. 12 (1X45.70m) at ch.1941m, Br.No.66 (4X61.0m) at ch.21710m, Br. No. 105 (1X18.3 + 1X61.0+ 1X18.30m) at ch.33402m, Br. No. 106 (1X61.0m) at ch.33572m, Br.No.133 (1X61.0m) at ch.36950m, Br.No.191 (2X30.50m) at ch.48040m and Br.No.193 (1X18.30 + 1X30.50 +1X18.30m) at ch.48288m and other ancillary works and protection words in between station Bairabi to Sairang in connection with the construction of new BG Railway line from Bairabi to Sairang (Mizoram)".

6. It is the case of the petitioner that the work was completed and the final bill for an amount of Rs. 13,68,00,001.50p. was submitted to the respondent No. 2 on 09.06.2017. It is further seen that as no payment was made by the respondent No. 2, the petitioner issued a legal notice on 03.11.2018. The further case of the petitioner is that in spite of the issuance of the said legal notice, no payment was made by the respondent No. 2 and therefore the petitioner has approached this Court seeking directions upon the respondents to forthwith release the total outstanding admitted bill amounting to Rs. 13,68,00,001.50p. along with interest.

7. Upon filing of the writ petition on 24.06.2019, this Court issued notice on 19.07.2019. An affidavit was filed by the Railway Authorities wherein it was stated that there was no privity of contract between the petitioner and the Railway Authorities. It was further mentioned that even the grant of a sub-contract was not permissible. The said affidavit was filed on 11.12.2020. The petitioner, however, did not file any affidavit-in-reply in spite of the passage of six years.

8. From a perusal of the materials on record, it is apparent that the dispute is between the petitioner and the respondent No. 2, which is a private entity. There appears to be no privity of contract between the petitioner and the Railway Administration.

9. Under such circumstances, the question of entertaining the instant writ petition does not arise, taking into account that the petitioner seeks to espouse a private dispute with the respondent No. 2 by arraying the Railway Administration as a party.

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

11. Be that as it may, the dismissal of the instant writ petition shall not preclude or prejudice the petitioner from approaching the competent Court of civil jurisdiction or any other appropriate

forum for recovery of any amount due from the respondent No. 2, if permissible under law.

JUDGE

Comparing Assistant