

GAHC010008062015



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

Case No. : WP(C)/585/2015

MAHABIR PRASAD AGARWALLA
S/O LT. KIRORIMAL AGARWALLA R/O 1B, RYOAL SILVER TOWER, LACHIT
NAGAR, MAIN ROAD, NEAR BYE-LANE NO. 1, ULUBARI, P.O. GUWAHATI-
781007, DIST. KAMRUP M, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PUBLIC WORKS DEPARTMENT, DISPUR, GUWAHATI-781006, DIST.
KAMRUP M, ASSAM.

2:THE COMMISSIONER AND SPECIAL SECRETARY
TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPARTMENT
DISPUR
GUWAHATI- 781006
DIST. KAMRUP M
ASSAM.

3:THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT ROADS
ASSAM
CHANDMARI
GUWAHATI- 781003
DIST. KAMRUP M
ASSAM.

4:THE EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT

GOALPARA RURAL ROADS DIVISION
GOALPARA

Advocate for the Petitioner : MR.O P BHATI, MR.S KHAN,MR.P K PODDAR,MR.P SARMA,MR.T C DAS

Advocate for the Respondent : SC, PWD, ,,MR.D P BORAH,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 20.09.2024

It is submitted that an amended writ petition has in the meantime been filed and therefore, Mr. P Nayak learned standing counsel, PWD Department prays for an accommodation to file an affidavit to the amended writ petition.

Prayer stands allowed.

The issue pertains to demand of forest royalty/deduction of forest royalty from the bills of the petitioner/contractor and primarily the petitioner relies on the judgment of the Division Bench in Durga Krishna Stores Private Ltd (Writ Appeal No.168/2017). While dealing with similar issue, the aforesaid judgment was dealt in the case of R.C.N. Constructions Vs. State of Assam reported in 2022 (6) GLT 362.

Therefore, the contract entered into between the petitioner and the employer shall be necessary to determine whether the action of the respondents are arbitrary or not.

At this stage Mr. O.P. Bhati learned counsel for the petitioner

submits that he will keep ready all the agreements in all these writ petitions by the next date fixed.

List these matters on 14.11.2024.

JUDGE

Comparing Assistant