

GAHC010008902025



2026:GAU-AS:6209

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

Case No. : WP(C)/326/2025

M/S SKYLARK INFRA ENGINEERING PVT. LTD.
THROUGH ITS AUTHORIZED REPRESENTATIVE,
HAVING ITS REGISTERED OFFICE AT-
1/84, 1ST FLOOR, SADAR BAZAR, DELHI CANTT, NEW DELHI.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
PUBLIC WORKS (ROADS) DEPARTMENT,
GROUND FLOOR, BLOCK-B, ASSAM SECRETARIAT,
DISPUR, GUWAHATI, ASSAM- 781006.

2:DEPUTY SECRETARY
GOVERNMENT OF ASSAM
PUBLIC WORKS DEPARTMENT (BUDGET BRANCH)
JANATA BHAWAN
DISPUR
GUWAHATI- 781006.

3:PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
KARBI-ANGLONG
DIPHU
ASSAM.

4:SECRETARY
PUBLIC WORKS DEPARTMENT
KARBI-ANGLONG AUTONOMOUS COUNCIL
KARBI-ANGLONG
DIPHU

ASSAM.

5:CHIEF ENGINEER
P.W.D.(ROADS)
ASSAM
CHANDMARI
GUWAHATI- 781003.

6:EXECUTIVE ENGINEER
PWD KOHORA ROAD DIVISION
DOLMARA
KARBI ANGLONG
ASSAM- 782460.

7:SECRETARY/ CHIEF EXECUTIVE MEMBER
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM- 782460.

8:EXECUTIVE MEMBER
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM- 782460.

9:ADDITIONAL CHIEF ENGINEER
PWD(R AND B)
HILLS
ASSAM
DIPHU

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. Ajay Dabas, Advocate

For the Respondent(s) : Mr. J. Chutia, Sr. Advocate, KAAC
: Ms. V. Shohe, Advocate
: Mr. D. Nath, Sr. GA, Assam

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **06.05.2026**

- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. Ajay Dabas, the learned counsel appearing on behalf of the Petitioner and Mr. D. Nath, the learned Senior Government Advocate appearing on behalf of the Respondent Nos. 1, 2, 5 and 9. I have also heard Mr. J. Chutia, the learned Senior counsel who is also the Standing counsel of the Karbi Anglong Autonomous Council appearing on behalf of the Respondent Nos. 3, 4, 6, 7, 8.

2. The present writ petition has been filed by the Petitioner seeking a direction upon the Respondent Authorities for payment of the outstanding bill amounting to Rs.5,07,80,954/- which the Petitioner claims to be entitled to on the basis of the work carried out by the Petitioner in regard to "Improvement with widening of Lobonghat to Deithor Road providing Cement Concrete Pavement from (Ch-0.00 m to Ch-2600.00 m), L=2.60 Km. under SOPD for the year 2019-20" as well as for the work pertaining to "Improvement with widening of the CPDMDK (SH-35) road providing Cement Concrete Pavement from (Ch-40000.00m to Ch-438900.00 m), L=3.90 Km. under SOPD for the year 2019-20".

3. It is the case of the Petitioner that the Petitioner had completed both the works and upon successful completion had submitted an incomplete final bill amounting to Rs.8,07,80,954/- and the same was duly certified by the concerned PWD officials and in acknowledgment thereof, an amount of Rs.3,00,00,000/- was released to the Petitioner on 07.11.2020. It is the further case of the Petitioner that an amount of Rs.5,07,80,954/- remains pending. The Petitioner thereupon has written various correspondences which have been collectively enclosed as Annexure-6 (colly) to the writ petition. In addition to that, the Petitioner has also issued legal notices to the concerned Respondent Authorities claiming the said outstanding balance of Rs.5,07,80,954/-. As no payments were made to the Petitioner, the Petitioner has approached this Court by filing the present writ petition on 10.01.2025.

4. The record reveals that the Respondent No.6 has filed an affidavit-in-opposition. In the said affidavit-in-opposition, it is categorically mentioned that both the works in question had not been completed and the Petitioner had submitted an incomplete running bill amounting to Rs.2,60,88,500/- without completing the allotted works and the said bill also did not bear the signature of the Petitioner. It was also mentioned that the Petitioner also

submitted a running bill of an amount of Rs.5,20,24,573/- out of which a sum of Rs.3,00,00,000/- has already been released. It is further mentioned that approximately 40 meters of the said road remains incomplete.

5. From a perusal of the affidavit-in-opposition which has been filed by the Respondent No.6, it appears that the Respondent No.6 disputed the claim of the Petitioner to the entitlement of the said amount on account of non-submission of the bill with signatures as well as also on account of the work remaining incomplete.

6. This Court has also perused the additional affidavit which have been filed by the Petitioner wherein the Petitioner submitted that the works in question have been completed and the signatures which the Respondent No.6 have denied is there in those incomplete bills so submitted by the Petitioner. In addition to that, the Petitioner has also enclosed the various photographs which were submitted by the Respondent No.6 while making a demand proposal for the amount of Rs.5,07,80,964/-.

7. This Court has heard the learned counsels appearing on behalf of the parties and has also perused the materials on record.

8. From a perusal of the materials on record, it appears that

though the Petitioner herein claims that he has successfully completed the works in question, however, the Respondents categorically denied the same. In addition to that, the Respondents have also mentioned that the bills which were submitted by the Petitioner were not properly submitted. Under such circumstances, it is the opinion of this Court that disputed questions of facts arise in the instant proceedings wherein the Respondent Authorities have categorically denied completion of the works and also, the entitlement of the Petitioner for any further amounts. Under such circumstances, it is therefore the opinion of this Court this is not a fit case for being entertained taking into account that disputed questions of facts arise which can only be adjudicated in a forum wherein evidence can be led.

9. Accordingly, this Court therefore dismisses the instant writ petition on being not entertained.

10. Before parting with the records, this Court however observes that the dismissal of the instant writ petition shall not preclude and prejudice the Petitioner to approach the competent Court of Civil Jurisdiction seeking recovery of the dues payable to the Petitioner, subject to being permissible under law.

11. It is further observed that as the Petitioner has been bona fide and diligently pursuing the present proceedings, the period from 10.01.2025 till date be excluded while computing the period of the petition.

JUDGE

Comparing Assistant